

Muslim Prison Ministry: Hindering the spread of the radical, militant, violent and irreconcilable wing of Islam

**A Monograph
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Abstract

MUSLIM PRISON MINISTRY: HINDERING THE SPREAD OF THE RADICAL, MILITANT, VIOLENT AND IRRECONCILABLE WING OF ISLAM, by MAJ James K. Dooghan, United States Army, 64 pages.

Prisons and detention centers are recruiting grounds for radical Islamists. The National Military Strategic Plan for the War on Terrorism Campaign Plan does not sufficiently develop a strategy to counter the violent Islamic ideologies in order to hinder conversions of detainees into terrorists. Addressing the violent Islamic ideology at the grass roots level may decrease the number of terrorist recruitment and increase the number of Muslims appealing to a nonviolent interpretation of the Qur'an.

The author recommends an anti-violent Islamic ministry program which educates detainees and prisoners through Muslim clerics. Islamic and western countries are relying on moderate Muslim ministers to promote nonviolent ideologies to counter the terrorist recruitment. Egypt and Yemen are witnessing conversions by militant Islamists to moderate Muslims. The United Kingdom and France are appealing to moderate Muslim clerics to address the growing number of radicalized citizens in their prisons. The U.S. Bureau of Prisons Muslim chaplaincy program offers a framework to select Muslim religious service providers for a Muslim prison ministry program. Sufficient legal, ethical and moral framework exists to argue for the availability of a ministry program to personnel in U.S. custody. This indirect approach focuses on conflict resolution and relies on Muslims who reject the violent interpretation of the Qur'an, commentaries, the *hadith*, the *fiqh* and the law. The solution is not an ecumenical reconciliation of the various religions of the world but a peaceful coexistence beginning with an intellectual understanding of the ideologies and empathy for the Muslims caught in the war between terrorist and the coalition forces trying to defeat the terrorist networks.

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CHAPTER ONE

Introduction

“The success of U.S. strategy will ultimately be based on our ability to counter al Qaeda’s ideology and message effectively and thereby break the cycle of recruit and regeneration that has sustained the movement thus far.”

Bruce Hoffman¹

Addressing the violent Islamic ideology at the grass roots level may reduce the number of terrorists and help prevent a violent mass movement. The National Military Strategic Plan for the War on Terrorism Campaign Plan does not comprehensively address the recruitment of criminals into the radical, militant, violent and irreconcilable wing of political Islam through Islamic doctrine. Anti-violent Islamic ministry and education for detainees and prisoners may offer another approach to counter the terrorists’ recruitment program and may reduce the number of terrorists. This indirect approach focuses on conflict resolution and requires Muslims who reject violent interpretations of the Qur’an (the Islamic book of divine revelation), the commentaries, the *hadith* (Prophet’s Muhammed’s sayings and deeds), the *fiqh* (jurisprudence) and law. Religious liberty and a nonviolent Muslim ministry program in detention centers, intern camps and prisons may counter the ongoing recruitment of the violent Islamic ideology.

Many westerners may not understand Islam due to our predominantly Judeo-Christian background. Many intellectual and emotional factors affect western bias and misperception of Muslims and Islam. Counter-terrorism strategists and planners must acknowledge existing biases and focus on a logical strategy to counter the growth of religious extremism without summarily targeting all persons who share a common physical characteristic or religious identity. The solution is not an ecumenical reconciliation of the various religions of the world but a peaceful

¹ Bruce Hoffman, *Does Our Counter-Terrorism Strategy Match the Threat*, (Washington, D.C., September 29, 2005). Testimony presented before the House International Relations Committee, Subcommittee on International Terrorism and Nonproliferation. Mr. Hoffman is the director of RAND’s Washington D.C. office and is the Corporate Chair in Counterterrorism and Counterinsurgency. He is known as one of the leading experts on terrorism and counter-terrorism in the country.

coexistence beginning with an intellectual understanding of the ideologies. Our thinking must include empathy for the Muslims caught in the war between the terrorists and the coalition forces trying to defeat the terrorist networks. The ministry strategy is intellectual and does not translate to an endorsement of Islam nor a compromise between religious ideologies. The ministry approach works within the third key element of the U.S. government Global War on Terrorism (GWOT) strategy which is to “*support mainstream Muslim efforts to reject violent extremism.*”²

The violent stream of modern Islam draws from Ibn Taimiyyah, through founders of Wahhabism, through the Muslim Brotherhood to Sayyid Qutb and the current terrorists. Statistics indicate that not all Muslims belong to this violent wing of Islam. Almost 20% of the world (1.28 billion people; of which 2-3 million reside in the U.S.) claim to be Muslims according to the data contained in the 2005 CIA World Factbook.³ Many Muslims are actively combating terrorists with coalition forces in the GWOT. The number of Muslims not associated with terrorism suggests the largest parts of Muslims are repelled by violence and terrorism at home and do not support or engage in terrorist acts. Not all of the Muslim detainees processed and released since the beginning of the Global War on Terror have been involved in terrorism. Regardless of their starting ideology, most are released and their treatment during their internment may affect their beliefs and actions. If nothing else, the U.S. must do everything it can to prevent more Muslims from joining the group of disenfranchised or militant factions. Prison ministry is one vehicle to counter the modern Islamic terrorist ideology articulated by Bin Laden.

Bin Laden has become the icon representing the violent and irreconcilable wing of political Islam. He and a small percentage of the Muslim body identify with the violent interpretations of the Qur’an by focusing on verses such as “And fight them on until there is no

² Chairman of the Joint Chiefs of Staff, *National Military Strategy Plan for the War on Terrorism* (Washington, D.C.: U.S. Government Printing Office, 2006), 5. The other key elements of the U.S. government GWOT strategy are: protect and defend the homeland and attack terrorists and their capacity to operate effectively at home and abroad.

³ See Figure 1 for the top 25 Muslim populations in the world.

more tumult or oppression, and there prevail justice and faith in god...”⁴ Bin Laden has reiterated the critical role of recruitment. Detainees are literally caught between the two opposing forces. If the detainees are innocent or releasable in the future, an attempt to reaffirm or reform their ideologies to a moderate faith should be made. A Muslim prison ministry program aligns with the mental reform focus of the modern western penal system.

Country	Popula- tion Rank	Total Country Population	% Sunni	Sunni Pop	%Shi'a	Shi'a Pop	% Muslim	Total Muslim Population
Indonesia	5	241,973,879	99.0%	210,807,643	NA	NA	88.0%	212,937,014
Pakistan	7	162,419,946	75.0%	118,160,511	22.0%	34,660,416	97.0%	157,547,348
India	2	1,080,264,388	85.0%	123,042,114	NA	NA	13.4%	144,755,428
Bangladesh	8	144,319,628	Majority	NA	NA	NA	83.0%	119,785,291
Egypt	16	77,505,756	90.0%	65,569,870	NA	NA	94.0%	72,855,411
Turkey	18	69,660,559	90.0%	62,569,114	NA	NA	99.8%	69,521,238
Iran	19	68,017,860	9.0%	5,999,175	89.0%	59,325,177	98.0%	66,657,503
Nigeria	10	128,765,768	Majority	NA	NA	NA	50.0%	64,382,884
Ethiopia	17	73,053,286	NA	NA	NA	NA	50.0%	36,526,643
Morocco	37	32,725,847	NA	NA	NA	NA	98.7%	32,300,411
Algeria	38	32,531,853	99.0%	31,884,469	NA	NA	99.0%	32,206,534
Afghanistan	39	29,928,987	80.0%	23,703,758	19.0%	5,629,642	99.0%	29,629,697
Sudan	31	40,187,486	70.0%	19,691,868	NA	NA	70.0%	28,131,240
Saudi Arabia	44	26,417,599	95.0%	25,096,719	5.0%	1,320,880	100.0%	26,417,599
China	1	1,306,313,812	NA	NA	NA	NA	2.0%	26,126,276
Iraq	45	26,074,906	63.0%	15,934,375	34.0%	8,599,504	97.0%	25,292,659
Uzbekistan (Suffism)	43	26,851,195	88.0%	20,793,565	NA	NA	88.0%	23,629,052
Yemen	52	20,727,063	66.5%	13,783,497	NA	NA	100.0%	20,727,063
Syria	56	18,448,752	74.0%	13,652,076	12.0%	1,992,465	90.0%	16,603,877
Tanzania	34	36,766,356	Majority	NA	NA	NA	35.0%	12,868,225
Senegal	71	11,706,498	NA	NA	NA	NA	94.0%	11,004,108
Mali	72	11,415,261	NA	NA	NA	NA	90.0%	10,273,735
Tunisia	81	10,074,951	NA	NA	NA	NA	98.0%	9,873,452
Niger	67	12,162,856	NA	NA	NA	NA	80.0%	9,730,285
Somalia	88	8,591,629	100.0%	8,591,629	NA	NA	100.0%	8,591,629

Figure 1: Top 25 Muslim Populations in the World⁵

Analysis of evidence gathered for this monograph suggests prisons and detention centers are recruiting grounds for violent criminals throughout the world.⁶ Islamic radicals who are

⁴ Abdullah Yusuf Ali, *The Qur'an Text, Translation and Commentary 4th U.S. Edition* (New York, 2002), 76. Abdullah Yusuf Ali's translation is ranked as one of the most widely known and used Qur'an in the world. Commentary states religion depends on faith and will and would be meaningless if induced by force. Quote from Surah II (*Baqara* or cow), verse 193.

⁵ Central Intelligence Agency, *The World Factbook 2005* (Washington, D.C.: U.S. Government Printing Office, 2005). This is an estimate of the Muslim population based on the latest published compendium and analysis from the CIA. Factors such as outdated census data, lack of census data and increase in population for various reasons affect the numbers. The complexity of religious bodies prevents attributing a peaceful or violent label on a single sect of Islam.

released from detention facilities with violent views are a threat to society. Some of the terrorist activities against the U.S. and its allies are a result of terrorist recidivism and people who subscribe to ideologies which promote terrorism during incarceration. For example, Abdullah Mehsud kidnapped two Chinese engineers in Pakistan after serving 25 months in custody at the U.S. base in Guantanamo Bay.⁷ Jose Padilla (the dirty bomber) and Richard Reid (the shoe bomber) adopted violent Islamic ideologies while incarcerated in U.S. and U.K. prisons respectively. Both Abdullah al-Mujah (Jose Padilla) and Tariq Raja (Richard Reid) were originally jailed for criminal activities. The current GWOT campaign plan and its derivative operational plans seem to inadequately address operations against the motivational roots of the radical Islamic movement. Rather, extensive resources are allocated to repress the symptoms and manifestations of the violent and criminal motivations, desires and beliefs of terrorists. Violent ideologies and insurgencies are respectively examples of symptoms and manifestations of terrorism. Continued growth in radical Islamic terrorists may result in a threat population too great to defeat with our current resources.

Current legal, ethical and moral frameworks require U.S. servicemen to provide humane treatment to detained, interned and imprisoned personnel regardless of the offense. The United States and the United Nations place religious freedom and access to religious service providers within the humane treatment category. A Muslim prison ministry program uses these liberties to hinder the spread of radicalization. Several of our allied nations face similar challenges as the Muslim population in their prisons increase and more radicals are returned to the society. Within

⁶ Bruce Lawrence, *Message to the World: The Statements of Osama Bin Laden* (London, U.K., 2005), 95. The book is composed of twelve texts, four audio transcripts, and seven video transcripts of Bin Laden. Bin Laden's statements reveal his priority on recruiting new terrorists, especially between the ages 15-25.

⁷ Abdullah Mehsud, "Profile: Abdullah Mehsud," *BBC News*, 15 October 2004. Internet. Available from http://news.bbc.co.uk/2/hi/south_asia/3745962.stm. Rear Admiral James McGarrah, Director of the Office for the Administrative Review of the Detention of Enemy Combatants, confirmed at the Defense Department Special Briefing on Administrative Review Boards for Detainees at Guantanamo Bay, Cuba that at least a dozen terrorists have returned to the fight after being released from detention in Guantanamo Bay, Cuba. Internet. Available from <http://www.defenselink.mil/transcripts/2005/tr20050708-3322.html>.

the United States, the U.S. Department of Justice (DOJ) Federal Bureau of Prisons (BOP) is engaged in the war on ideologies in the prisons. Within the Armed Forces, the military chaplain program is balancing their role to support U.S. servicemen with their requirements to detainees. Improperly engaging the enemy's recruitment campaign may result in increased violence. The GWOT coalition may find utility in a ministry program. The goal of the program is to reduce the number of violent Islamic terrorists by strengthening the nonviolent ideology and weakening the logic of the violent Islamic ideology on the recruiting ground of detention centers and prisons.

Methodology

The author selected a problem that speaks to the ethical challenges in combating terrorism.⁸ The author's brother's assignment to CAMP CROPPER, Baghdad inspired the specific subject and the 2005 "Top 25" list of the CAC Executive Editorial Board provided the monograph category. The author used a goal setting framework from Dietrich Dörner's book *The Logic of Failure*.⁹ Initially, the author selected a negative goal of preventing growth in the terrorist population using non-conventional or non-kinetic means. Subsequently, he selected a positive goal of reducing the number of violent Islamic terrorists using Muslim ministers in detention centers, interment camps and prisons used for suspects linked to terrorism. Upon completion of the goal setting framework, the author used philosopher and author Stephen Edelston Toulmin's six-step model for rational argumentation in order to identify claims, data, warrants, backing, modal qualifiers and possible rebuttals. The author used a modified systemic approach to the problem with the focus of research on Muslim prison ministry as it applies to the prevention and reduction of terrorists. The author identified recurring terms with potential ambiguity and attempted to define and describe the words in order to clarify concepts in the monograph.

⁸ See Figure 5, Appendix A.

⁹ Dietrich Dörner, *The Logic of Failure: Recognizing and Avoiding Error in Complex Situations* (Cambridge, Massachusetts: Perseus Books, 1996), 52.

The author initially studied the Muslim demographic of nation states and the estimated number of radical Islamists living in prisons of allied nations and deployed territories. The opening chapter focuses on misunderstandings and misperceptions resulting from bias and generalizations of Muslims and Islam. The chapter also highlights recent U.S. faux pas in dealing with Muslims in and around prisons in order to emphasize the importance of addressing the ideological motivation of radical Islamic terrorists. The next chapter addresses the history of modern prisons and how the ‘non-corporal’ penalty system and culture affects strategies dealing with prisoners. The chapter also considers the rehabilitative and reform approach of western prisons prior to releasing them back into society. The analysis draws from Michael Foucault’s book *On the Birth of the Prison* and various other references relating to modern prisons. The next chapter examines whether the legal, moral and ethical framework establishes requirements for the U.S. to provide religious privileges to both lawful and “unlawful combatants”. The subsequent chapter then discusses attempts by several nations to reduce radical Islamists in prisons by means of education. A current federal program instituted by the BOP provides a framework for a Muslim prison ministry in terrorist related detention centers. The chapter also addresses the dangers of considering the Department of Defense’s Chaplaincy Program. The final chapter considers the dangers of U.S. involvement in Islamic prison ministries and recommends mediums and techniques to inform and educate Muslim detainees and prisoners. The monograph concludes with recommendations on initiating a Muslim prison ministry Program.

An Indirect Approach

Muslim prison ministry adds another dimension to the kinetic-centric Global War on Terror campaign plan.¹⁰ A kinetic approach heavily relies on causes to counter the terrorist

¹⁰ Department of Defense, *2006 Quadrennial Defense Review (QDR)*, (Washington, D.C., 2006), v, vii, viii, ix, A-6. The following terms are used interchangeably in unclassified U.S. strategy documents when referring to our current war: Global War on Terror, Global War on Terrorism, and global war against violent extremism.

threat. A cause demands a scientific explanation and when cause is not known the effect cannot be produced.¹¹ This non-kinetic approach contributes to the reduction of terrorist recruitment by focusing on the connection between detainees and religiously based violent ideologies. An intention is composed of belief and desires and results in action or inaction.¹² Reasons are more appropriate for operations relating to human personalities simplistically composed of intellect, emotion and will. The monograph limits its focus on the ideological and/or spiritual dimension of detainees.

Promoting the freedom of religion may contribute to the defeat of Islamic terrorists. President George W. Bush stated in his War on Terror speech at the National Endowment for Democracy on 6 October 2005 “the fifth element of our strategy in the war on terror is to deny the militants future recruits by replacing hatred and resentment with democracy and hope across the broader Middle East...there’s is no alternative to it.”¹³ An effective Muslim prison ministry can result in a lasting increase in protection for the people engaged in the war on terror, innocent civilians and coalition interests. Properly done, it can hinder the spread of the violent Islamic ideology. President Bush also identifies religious freedom as a belief that is right and true in every land and in every culture. The President’s fifth element of strategy applies to detainees, internees and prisoners who are literally captive audiences. The coalition can deny the militants additional recruits by disrupting their propagation of the radical, militant, violent and irreconcilable ideologies. President Bush emphasizes the importance of addressing the cause and reason of terrorism when he stated “win the war of ideas and diminish the underlying conditions

¹¹ JWFC Doctrine Pam 7 (Norfolk, VA, 2004), 1. The document opens with a quote from Francis Bacon.

¹² Alexander Rosenberg, *Philosophy of Social Science* (Boulder, CO: Westview Press, 1995), 33.

¹³ George W. Bush, *The National Strategy for Combating Terrorism* (Washington D.C, February 2003), 29.

that promote the despair and the destructive visions of political change that lead people to embrace, rather than shun terrorism”.¹⁴

The U.S. National Security Strategy (NSS) promotes the freedom of religion and addresses the benefits gained from a cooperative international effort. The strategy states “our principles will guide our government’s decisions about international cooperation, the character of our foreign assistance, and the allocation of resources. They will guide our actions and our words in international bodies...take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments.”¹⁵ The Muslim prison ministry approach is more difficult to measure in terms of performance and effectiveness and may require a longer observation period in order to realize the achieved benefits and shortfalls.

Relevant Terms

Individuals and governments involved in the combined, interagency and joint war on terror use many closely related words and phrases. However, the definitions and nuances of the words and phrases often vary. The political correctness and sensitivity of religious and cultural factors associated with the war on terror may divert disproportionate focus on the Islamic theology with limited focus on the individual’s intellectual responsibility. The following section fixes definitions and descriptions to common terms which serve to eliminate ambiguity.

While faith and religion are often used synonymously in dictionaries and by scholars, for purposes of this monograph the terms are distinct. Individual faith is a transitive verb and is a state of believing future unrealized realities on the basis of a word or evidence that is seen as true or honest. The individual faith, as it relates to Allah, is beyond the scope of this monograph. A collaboration of people of a shared faith may form a religious body based on a common system of

¹⁴ Ibid., 29.

¹⁵ George W. Bush, *The National Security Strategy* (Washington, D.C, March 2006), 4.

faith. This is ideology or theology. Religion is any institutionalized attitudes, beliefs, practices and worship of something or being by a group.¹⁶

Until recently the term Islamic was predominantly used as an adjective to modify nouns pertaining to Islam. Even today, the two terms Muslim and Islamic are still often used interchangeably in discourses on Islam, but there is an important and subtle difference. Muslims are adherents of the religion of Islam who submit themselves to the will of Allah. A recent RAND study clearly articulates this difference with the following: “a Muslim refers to a religious and cultural reality whereas Islamic denotes political intent.”¹⁷ The reader will encounter both terms and should keep in mind they are not synonyms. The propagation of a violent perspective of Islam in detention centers and prisons is of concern and terms relating to this violent ideology must be addressed.

Radicalization in prison is a “process by which inmates who do not invite or plan overt terrorist acts adopt extreme views, including beliefs that violent measures need to be taken for political or religious purposes.”¹⁸ Radical Islamists are Muslims who follow a rigid interpretation of the Qur’an called Wahhabism or Salafism and participate, support or condone terrorist acts. Radical Islamists are terrorists. Islamic terrorists follow *fatwahs* issued by zealots who promote the violent ideology in the guise of religion. As a rule, Islam is not a tolerant belief system. Moderate Islamists are the non-militant, nonviolent and reconcilable spectrum of Muslims who do not support extremists.¹⁹ Recruitment is defined as a process in which individuals, groups, and populations are targeted by psychological operations designed to enlist their witting or

¹⁶ The acceleration and scale of the spread of a system of belief can result in a mass movement phenomenon. For example, an Islamic mass movement started in the end of 7th Century A.D. and the movement remains with us today.

¹⁷ Theodore Karasik and Cheryl Benard, *The Muslim World after 9/11*, “Muslim Diasporas and Networks” (Arlington, VA, Rand Corporation, 2004), 433.

¹⁸ U.S. Department of Justice, Office of the Inspector General, *A Review of the Federal Bureau of Prisons’ Selection of Muslim Religious Services Providers: Special Report* (Washington, D.C., 2004). 6.

¹⁹ Chairman of the Joint Chiefs of Staff, *The National Military Strategic Plan for the War on Terrorism* (Washington, D.C., 2006), 3, 11, 36. “The term “moderate” does not necessarily mean unobservant, secular or Westernizing. It applies to people who may differ from each other and from the average American in any number of ways except that they oppose the killing of ordinary people.”

unwitting participation in and exploitation by the recruiter's organization. Terrorist recruitment "is used to mean the solicitation of individuals to commit terrorist acts or engage in behavior for a terrorism purpose."²⁰

²⁰ U.S. Department of Justice, 6.

CHAPTER TWO

Orientalism: Bias in Context

“The enemy is not one person. It is not a single political regime. Certainly it is not a religion.”

2003 National Strategy for Combating Terrorism²¹

Many people are aware of the violent and irreconcilable wing of political Islam. Addressing this problem is not a new phenomenon for westerners and Muslims. Many intellectual and emotional factors affect western bias and misperception of Muslims and Islam. Bias is an unwarranted point of view, the illegitimate basis of which hinders the acknowledgement or understanding of alternative points of view. Continuously seeking and acknowledging existing biases to discern relevant facts from flawed information may clarify the rationality and suppress the emotional reaction to a Muslim prison ministry program. First, intellectual limitations may result from casual, selective or limited study of currently translated literature on Middle Eastern history and culture without studying a situation within its holistic context. For example, many servicemen lack an intimate knowledge of the Qur'an and other Islamic religious documents which may add to any preconceptions and bias. Second, emphasis on political correctness over valid and sound research may compromise honest academic efforts. Third, emotionally charged bias, such as bias based on atrocities committed by Muslim and Roman Catholic warriors centuries ago, distract from intellectual and rational debates. Fourth, an imperialism bias towards perceived “inferior” civilizations must be avoided. For example, extreme views which categorize Muslims into terrorist, potential terrorists or terrorist sympathizers can lead nations to confine people of specific ethnicity by suspending individual rights. We must identify individual and collective bias and suppress irrational judgments for the sake of the vast majority of Muslims who are not involved in radical activities.

²¹ George W. Bush, *National Strategy for Combating Terrorism* (Washington D.C, February 2003), 1.

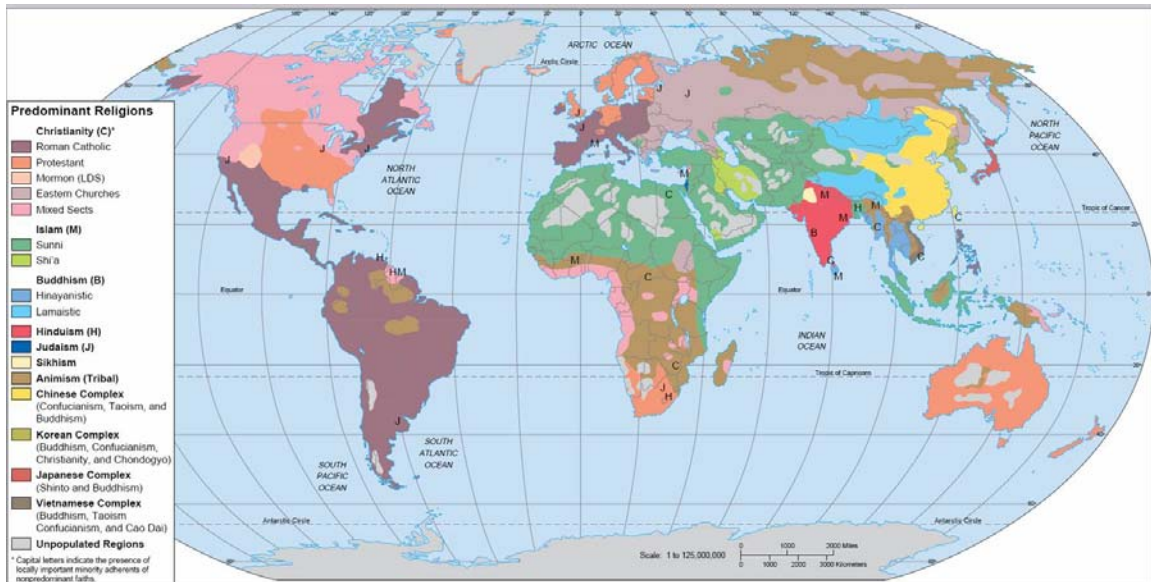


Figure 2: McGraw Hill Map of Predominant Religions

The estimated 1.3 billion Muslims share Allah as their common god, which is where the similarity ends. The diversity of Islam is as complex as the distribution of predominant religions around the world (see Figure 2). The many contradictions in the texts and pretexts of the Qur'an around the world (see Figure 2). The many contradictions in the texts and pretexts of the Qur'an compounded by the multitude of interpretations of the book in and out of context from which it was written contributes to the diversity. For example, *Surah II (Baqara)* verse 62 states "those who believe (in the Qur'an), and those who follow the Jewish (scriptures), and the Christians and the Sabians, any who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord: on them shall be no fear, nor shall they grieve."²² The verse may be optimistically translated to mean a potentially peaceful coexistence between Muslims and people of other faiths. In stark contrast, Usama bin Laden used verses 191-193 of the same *Surah* in his *fatwah* which reads "and slay them wherever ye catch them, and turn them out from where they have turned on you...and fight them on until there is no more tumult or oppression."²³ This verse has been the basis for an offensive jihad against enemies of Islamic terrorists and appears to

²² Abdullah Yusuf Ali, *The Qur'an Text, Translation and Commentary* 4th U.S. Edition (New York, 2002), 33.

²³ *Ibid.*, 75-76.

contradict the essence of the previous verse. Accurate interpretation of the Qur'an requires at least the mastery of the Arabic language, the systemic and systematic study of the Qur'an with its supplemental writings and the intimate understanding of the various cultures in context. Professionally educated religious service providers immune from political agendas are required to address the theological doctrines of Islam.

A dilemma develops when Islam is simplified to a dichotomy between the violent and the nonviolent wings of Islam. Citizens of nations involved in the war on terror are exposed to the political agreements, negotiations and conflicts between their country and other nations. Political correctness, a real or perceived suppression of genuine dialogue in public, exposes the individual and collective bodies to limited and incomplete logic which may contribute to bias. Even within the United States, it may be perceived that Americans tend to oversimplify political Islam by dividing Islam into the two polar categories of the violent and the nonviolent or those that are against us or with us.²⁴ The overlap of politics and religion compounds the emotive nature of the discussions.

Emotional biases of Islam may reflect the historical conflict between the Ottoman Empire and the Holy Roman Empire. Men of power capitalized on the two diametrically-opposed theological systems in order to justify military sponsored evangelism campaigns. Muslim and Roman Catholic warriors engaged in military campaigns based on political and religious orders from their respective leaders. The desires of men countered the Muslim command "Let there be no compulsion in religion" recorded in the Qur'an.²⁵ Likewise, the Roman Catholics forcibly expanded their religion against contrary doctrine. The mental images of barbaric massacres caused by professed religious men of all ages may contribute to a bias against Muslims of the

²⁴ George W. Bush, "President Welcomes President Chirac at White House" (speech presented for a nationally televised press conference in Washington D.C., 6 November 2001). Internet. Available from <http://www.whitehouse.gov/news/releases/2001/11/20011106-4.html>. President Bush places nations into two categories in his speech, those who are "either with us...or against us in the fight against terror."

²⁵ Yusuf Ali, 103 (Surah II, verse 256).

Islamic religion which benefited from its expansion by militaristic means. It can be dangerous to equate all Muslims to Islamic fanatics engaged in violence based on history.

Events in American history demonstrate the danger of attributing violent and evil characteristics to people based on their ethnicity and race through broad generalizations made or condoned by the society. Racial prejudice and fear based on bias can result in injustice and hatred towards fellow humans. Americans of various ethnicities have faced horrors and adversities inflicted by fellow Americans. The experiences by African-Americans, Native Americans and Japanese-Americans are three examples cited to remind U.S. citizens of the need to logically discern and discriminate between the acts of a person or an organization from the neutrality of an individual's ethnicity. The African-Americans experienced great discrimination based on their race. The American Indians as a race became an adversary of a political, military and economic campaign based on perceived irreconcilable differences between the cultures and values of the newcomers of America to the Native Americans. The Japanese-Americans faced great discrimination based on their ancestry and an illogical correlation between the nationally declared enemy of the state and Americans of shared ancestry. A progression of bias resulting from an illogical and irrational correlation between all Muslims to the violent wing of Islam can result in ill-treatment of Muslims and an increase in hatred towards westerners.

For over a hundred years, African-American slaves were treated as property and the subject of violence resulting in the murders of thousands of innocent men, women and children. The many irrational and illogical biases of African-Americans were endorsed by the government until significant changes were made through the Civil Rights Acts of the 1960s. The collision of culture and values between the Native American and European settlers resulted in hundreds of thousands of casualties to both parties. The reduction of the North American Indian population is viewed by many as genocide and also agreed by many as a disgraceful account in American history. President Franklin Roosevelt signed Executive Order 9066 in 1942 resulting in the placement of almost 120,000 Americans of Japanese ancestry to one of ten Japanese American

Internment Camps for the duration of the war. Ironically, some 25,000 Japanese Americans served in World War II. The 100th Infantry Battalion and 442nd Regimental Combat Team, composed of mostly Japanese Americans, would become one of the most decorated U.S. military units in American history. Acknowledging existing biases and preventing them from manifesting itself into irrational actions contributes to a more effective Muslim prison ministry program.

CHAPTER THREE

Prison: Reform and Ministry

“Prisons continue to be fertile ground for extremists who exploit both a prisoner's conversion to Islam while still in prison, as well as their socioeconomic status and placement in the community upon their release.”

Robert Mueller, Director of the F.B.I. testimony to Congress

The proposed Muslim prison ministry program focuses on ideological reform of detainees and prisoners by keeping nonviolent captives nonviolent and offering violent captives a nonviolent alternative to Islam. Prison reform and ministry speaks to the connection between detainee, internee and prisoner with his or her society. Many Americans are familiar with and associate prison ministry programs to evangelical outreach programs that distribute Christian messages to incarcerated members of our society. Evangelical programs like Chuck Colson's Prison Fellowship focus on salvation of the soul, whereas the proposed Muslim prison ministry program addresses the existing faith in a moderate light. Although mental and spiritual reform programs differ from the penal apparatus, both systems seek to transform an individual's behavior. In order for the proposed program to be successful, leaders must mentally separate the role of the prison with the role of religious ministry; the first is “an apparatus for transforming individuals” and the latter is the motivation.²⁶ Though the ministerial and correctional roles may intersect in geography and desired outcome of the prisoner, the roles must remain separate and parallel. Many western societies have transformed the treatment of prisoners by shifting the aim of the penal process from punishment of the body to the reform of the soul.

Renowned French philosopher Paul-Michel Foucault describes the integrated relationship between prisoners and society in his book *Discipline & Punish: The Birth of the Prison* (*Surveiller et punir: Naissance de la prison*). Michel Foucault critiques the modern penal process

²⁶ Michael Foucault, *Discipline & Punish: The Birth of the Prison* (New York, Vintage Books, 1995), 233.

in France as a reform of the soul as a form of disciplinary punishment compared to the punishment of the body. He proclaims warders, doctors, chaplains, psychiatrists, psychologists and educationalists have in essence replaced the penalty of physical pain on the prisoner.²⁷ This necessity develops from modern society's distaste and avoidance of 'non-corporal' penalty. His analysis on the failure of prison as a reform institution is reinforced by data from American prisons. Foucault's observations reveal that French prisons have not reduced the crime rate but caused recidivism, produced delinquents, encouraged organizations amongst the delinquents and threw inmate's family into destitution.²⁸ The prison is responsible "for all aspects of the individual, his physical training, his aptitude to work, his everyday conduct, his moral attitude, his state of mind."²⁹ A Department of Justice study in 1994 found that "of the 272,111 persons released from prisons in 15 States, an estimated 67.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.9% were reconvicted, and 25.4% re-sentenced to prison for a new crime."³⁰ The study indicates the failure of the penal system to reform prisoners, therefore, the penal model should not be used with terrorists. A new and indirect approach is a Muslim prison ministry program. The program provides a parallel approach to modify people's ideas and behavior during captivity to better address the question "what happens when they leave?"³¹

Prisoners, internees and detainees in host nation detention centers and those held by GWOT coalition forces share a common challenge when the suspect or criminal is no longer their responsibility; he or she is returned to society. According to open source documents, U.S. and coalition forces have processed over 70,000 detainees through disclosed and undisclosed locations since the war on terror started in 2001. The majority of detainees have been released without being charged or tried. On 8 February 2006, U.S. State Department's Bureau of Near

²⁷ Ibid., 11.

²⁸ Ibid., 265-268.

²⁹ Ibid., 235.

³⁰ U.S. Department of Justice-Office of Justice Programs, Bureau of Justice Statistics, "Criminal Offenders Statistics." Internet. Available from <http://www.ojp.usdoj.gov/bjs/correct.htm#Programs>.

³¹ See Figure 6, Appendix B.

Eastern Affairs revealed in their “Iraq Weekly Status Report” that to date the Iraqi-led Combined Review and Release Board alone has reviewed the cases of 27,200 detainees and recommended release of 14,300 individuals. The remaining 13,000 in U.S. custody in Iraq were waiting to be transferred, placed in a legal detention category, released and/or tried. These numbers indicate tens of thousands of people have been released by the military, the Iraqis and detention facilities over the years. Unfortunately, “the primary goal of U.S. detention operations in Iraq has been to operate safe, secure, and humane facilities consistent with the Geneva Conventions” instead of promoting nonviolent ideologies to detainees.³² Detention operations should place equal or greater emphasis on the psychological and social initiatives for detainees.

Muslim prison ministry addresses the psychological and social influences on detainees with Muslim ministers in order to reduce fanaticism, hatred and intolerance. Psychologist Paul Wilkinson offers a multicausal approach to terrorism by comparing the causes of revolution and political violence. He identifies “ethnic conflicts, religious and ideological conflicts, poverty, modernization stresses, political inequities, lack of peaceful communications channels, traditions of violence, the existence of a revolutionary group, governmental weakness and ineptness, erosions of confidence in a regime, and deep divisions within governing elites and leadership groups” as several causes of terrorism.³³ Some of these causes offered in 1977 may reflect conditions of detention facilities holding terrorist suspects. The causes also align with RAND study observations in *The Muslim World after 9/11*. The study presents four critical issues why prisons are a potential fertile ground for radical recruitment.³⁴ The four issues are survival, status, time and ethnic background. Survival addresses the prison or detention environment

³² U.S. Department of State Bureau of Democracy, Human Rights, and Labor. *Update to Annex One of the Second Periodic Report of the United States of America to Committee Against Torture* (21 October 2005). Internet. Available from <http://www.state.gov/g/drl/rls/55712.htm>.

³³ Rex A. Hudson, *The Sociology and Psychology of Terrorism: Who Becomes A Terrorist and Why?* (Washington D.C. Federal Research Division, Library of Congress, September 1999), 15. Professor Paul Wilkinson is a professor of International Relations and instructs at the University of Saint Andrews for the Centre of Study of Terrorism and Political Violence (CSTPV) which was established in 1994.

³⁴ Angel M. Rabasa, Cheryl Benard, Peter Chalk, C. Christine Fair, Theodore Karasik, Rollie Lal, Ian Lesser and David Thaler. *The Muslim World after 9/11* (Arlington, VA, RAND, 2004).

where large groups of violent men and women are gathered in a small and not completely supervised or controlled environment. The issue of status addresses relative privileges of inmates. Time refers to the duration of incarceration. Finally, ethnicity often reduces or determines the choices of group alignment available to the prisoner. Allocating and applying resources to the spiritual and mental needs of a detainee may prevent radicalized criminals from engaging in fanatical and radical mass movements.

Detention facilities must humanely treat detainees in order to promote an environment conducive to learning. Perceived or real mistreatment of detainees exacerbates the problem.³⁵ Current conditions in GWOT detention facilities are not adequately hindering the conversion of detainees into radical and violent terrorists. New converts and experienced terrorists develop a small network of terrorists in prison, which strengthens the ideological bonds. All the while a larger network of terrorists eagerly waits to employ the newly released captives in their divisive schemes. A mass movement initiated by a converted radical from prison may be a plausible scenario and should be monitored due to the close interaction of Americans with Muslim communities. The world witnessed the result of dismissing the radical ideologies of Adolf Hitler. Hitler reflected and wrote *Mein Kampf* while imprisoned in Landsberg, Germany using anti-Semitic philosophies of Martin Luther for his mass movement. 20th century American author Paul Lawrence Berman describes and warns of fanatical and radical movements and attempts to trace Islamic Radicalism or specifically the Baathi and Al Qaeda through Hitler, Mussolini, Stalin, and Franco of Fascist Spain. Paul Berman claims the source of radical Islamist mass movement is ideological and spiritual and therefore we must combat it in the name of liberal ideals in *Terror and Liberalism*. Although Berman's book contains many emotive appeals

³⁵ The British experienced a religious mass movement by the Indian Muslims in the 1920s.

without notes or references, his concern for religious mass movements should not be discounted.³⁶

The proposed Muslim prison ministry program's long-term perspective seeks to reform the detainee's mind without discrimination based on factors such as the individual's criminal status, duration of incarceration, and ethnicity. The program can function within the current legal, moral and ethical framework of the detention facilities and U.S. policies. It does adopt the western concept of reform, but is not controlled by the penal apparatus. Humanitarian organizations such as the United Nations Commission on Human Rights (UNCHR), Human Rights Watch (HRW) and Amnesty International (AI) offer additional insights into Middle Eastern prisons systems. The next chapter describes the legal, moral, and ethical framework which leads us to afford religious services to detainees of all categories.

³⁶ Paul Lawrence Berman, *Terror and Liberalism* (New York, NY, W.W. Norton & Company, Inc., 2003), 27, 51, 204. Berman reserves several pages in his last chapter for ad hominem attacks on President Bush with various comments, such as "The man was president only by a fluke..."

CHAPTER FOUR

Legal, Moral and Ethical Framework for Religious Freedom

“American personnel are required to comply with all US laws, including the United States Constitution, Federal statutes, including statutes prohibiting torture, and our treaty obligations with respect to the treatment of all detainees. The United States also remains steadfastly committed to upholding the Geneva Conventions, which have been the bedrock of protection in armed conflict for more than 50 years. These Conventions provide important protections designed to reduce human suffering in armed conflict. We expect other nations to treat our service members and civilians in accordance with the Geneva Conventions. Our Armed Forces are committed to complying with them and to holding accountable those in our military who do not.”³⁷

President George W. Bush

Sufficient legal, ethical and moral framework exists to argue for the availability of religious support to all personnel in U.S. custody. American servicemen are required and expected to provide humane treatment to detained, interned and imprisoned personnel regardless of the offense. We assume responsibility of personnel under U.S. military, federal and international law until the individual is released, repatriated, dies during confinement or executed. Statesmen, lawyers and scholars debate the legal categories of “unlawful combatants” and terrorists in order to determine the level of protection that should or should not be afforded to the categories in question. Plain understanding of the legal documents directing U.S. servicemen to provide humane treatment and the categories of personnel in holding is required. The spirit of

³⁷ President Bush Commemorates U.N. Day to Support Torture Victims: U.S. reaffirms commitment to the worldwide elimination of torture on June 26, 2004. Internet. Available at <http://usinfo.state.gov/is/Archive/2004/Jun/28-403335.html>.

International Law should be applied to all categories of detainees, contrary to counsel issued by William H. Taft to the President.³⁸

Legal Considerations for Religious Liberty to Personnel in Custody

U.S. servicemen are legally bound to humanely treat personnel in custody. Today, servicemen voluntarily submit to a separate and more stringent set of rules of law and regulations than their American civilian counterparts. Submission begins with an oath of office or oath of enlistment and therefore bound by the Constitution of the United States and the network of legal documents connected to the Constitution. The U.S. Constitution, international Treaties and Agreements signed by the United States and Army Regulations provide the legal framework which commands our attention and actions. The Geneva Conventions do not directly require religious liberty for detained personnel identified as terrorists or “unlawful combatants,” but according to the White House Policy detainees are provided with the opportunity to worship.³⁹ Current laws, regulations and policies governing servicemen establish sufficient legal guidelines for the humane treatment of personnel in custody, which includes the opportunity to worship.

The United States became a member of the United Nations on 24 October 1945 and is a member of the General Assembly, Security Council, Economic and Social Council and Trusteeship Council. The U.S. signed the four Geneva Conventions of 1949 with other nations to

³⁸ Neil A. Lewis, “A Guide to the Memos on Torture” *The New York Times*. Internet. Available from <http://www.nytimes.com/ref/international/24MEMO-GUIDE.html>. The site continues to post documents and dialogue relating to treatment of detainees in U.S. custody. The New York Times posted a memorandum dated February 2, 2002 and initialed by William H. Taft commenting on the Geneva Conventions. The first paragraph of the memorandum “Comments on Your Paper on the Geneva Convention” state the Conventions generally do not apply to the U.S.’s world-wide effort to combat terrorism and to bring Al Qaeda members to justice.

³⁹ Fact Sheet: Status of Detainees at Guantanamo. (White House Press Office, Feb. 7, 2002), Internet. Available from <http://www.whitehouse.gov/news/releases/2002/02/20020207-13.html>.

protect the humanitarian principles of parties involved in war.⁴⁰ Today, the U.S. military continues to enforce the international law by incorporating these protocols in the multi-service regulation 190-8 (Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees). Army Regulation 190-8 dated 1 October 1997 also expands the legal requirements and categories of personnel in custody when it states “this regulation implements international law, both customary and codified, relating to Enemy Prisoner of War (EPW), Retained Personnel (RP), Civilian Internee (CI), and Other Detainees (OD) which includes those persons held during military operations other than war.”⁴¹ The Geneva Conventions and AR 190-8 clearly articulate the requirement to provide humane treatment and proper respect to detained personnel who are categorized as enemy prisoners of war, retained and interned personnel and other detainees whose status has not been determined. As stated above, the majorities of detained and interned personnel are awaiting category determination or release and should be provided ministry and education. Even though the detainees are not entitled to POW privileges, they have those privileges as a matter of policy and precedent.

The President determined that Al Qaeda remains outside the Geneva Conventions because it is not a state and not party to a treaty.⁴² The current Administration partly justifies this policy’s validity and soundness from the absence of categories such as terrorist and “unlawful combatants” from legal treaties and charters. The Geneva Conventions and Army Regulation 190-8 do not include terrorists as a category of persons protected by the provisions afforded to traditional enemy combatants. COL Thomas E. Ayres, Deputy Legal Counsel to the Chairman to

⁴⁰ “Geneva Conventions” 12 August 1949. Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 6 U.S. T. 3114 or “GWS”; Geneva Convention II for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, 6 U.S.T. 3217 or “GWS Sea”; Geneva Convention III Relative to the Treatment of Prisoners of War, 6 U.S.T. 336 or “GPW”; Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, 6 U.S.T. 3516 or “GC”. Both U.S. and Iraq are parties to the Conventions.

⁴¹ AR 190-8, “Enemy Prisoners of War, Retained Personnel, Civilian Internees, and Other Detainees” (Washington, D.C., HQ DA, 1 November 1997), 1-1b.

⁴² Fact Sheet: Status of Detainees at Guantanamo, White House Press Office, Feb. 7, 2002. Internet. Available from <http://www.whitehouse.gov/news/releases/2002/02/20020207-13.html>.

the Joint Chiefs of Staff, recently published an article in the U.S. Army War College Quarterly *Parameters* addressing the need to clarify categories of detainees in order to improve the current state of affairs. COL Ayers wrestles with the political and military challenge of defining the legal standards for conducting detainee operations and the legal categories of combatants.⁴³ “Unlawful combatants”, sometimes referred to as unprivileged belligerents (UB), may be treated as criminals under the domestic law of the captor, but are not afforded EPW status (See Figure 3).⁴⁴ The figure below compares and contrasts categories of detention according to AR 190-8 and COL Ayers’ “Six Floors of Detainees.” The top of the figure systematically traces essential legal documents requiring servicemen to humanely treat detainees, including the freedom of religion. The responsibility to protect the legal rights of captives is emphasized by current laws and regulations, including detainees with pending status determination. The international, federal, and military criminal justice systems afford criminals the opportunity to directly interact with a minister.

⁴³ Thomas E. Ayers, ““Six Floors” of Detainee Operations in the Post-9/11 World,” *Parameters* (autumn 2005), 40.

⁴⁴ Joint Doctrine 3-63 Detainee Operations (final coordination draft), 27 September 2005 places unlawful combatants as a subset of enemy combatants (EC) on page I-4. I-4/GL-4 “For purposes of the war on terrorism, the term enemy combatant shall mean an individual who was part of or supporting Al Qaida network or Taliban, or associated forces that are engaging in hostilities against the US or coalition partners.” Air Land Sea Application (ALSA) Center’s document “The Detainee Operations Multi-Service Tactics, Techniques and Procedures for Detainee Operations in a Joint Environment” dated 3 May 2004 refers to “unlawful combatants” as unprivileged combatants.

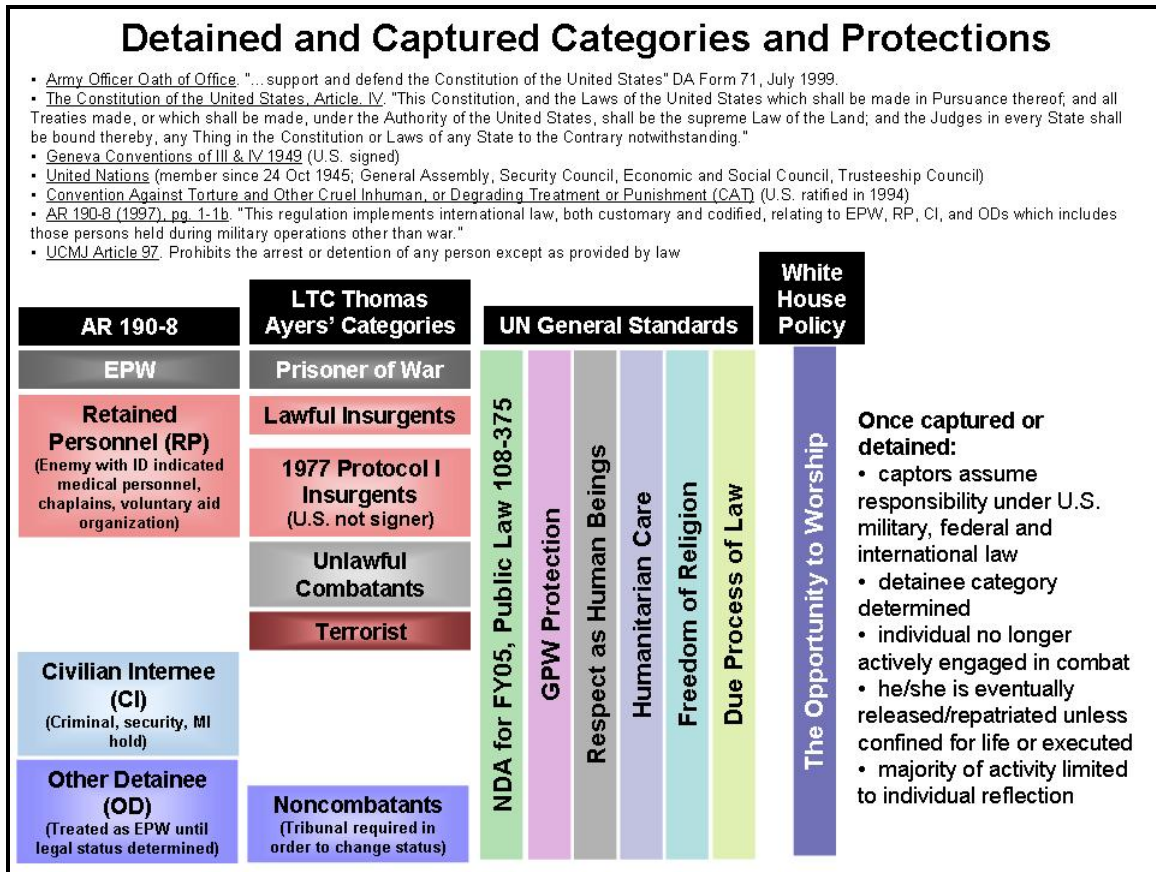


Figure 3: Detained and Captured Categories

Currently, criminals and “unlawful combatants” are afforded ministry throughout the penal process in the U.S. The U.S. has allowed and provided Islamic religious services to the “unlawful combatants” and terrorists held at the detention facilities on the U.S. Naval Station in Guantanamo Bay, Cuba. This indicates the deliberate separation of ministry from the penal process and an opportunity to legally implement a prison ministry program to all categories of detainees. The administration’s decision to provide Islamic ministers for “unlawful combatants” may indicate an appeal to a higher moral standard when the international legal requirements are silent on the issue. Providing additional justification of a prison ministry program to “unlawful combatants” and terrorists on moral and ethical proofs may also contribute to an appeal to a supplemental nonviolent approach to counter terrorism when applicable.

Moral Responsibility

U.S. servicemen retain a universal moral responsibility to protect the religious liberty of personnel in custody based on national and international principles and virtues. The term universal refers to principles of American morality found in the nation's founding documents and applicable international treaties. Universal morality differs from absolute morality and should not be used synonymously. Universal refers to all persons belonging to a collective group or intersubjective agreement by a collective group, whereas absolute refers to a perfect and complete quality which applies to every being. American servicemen align to both U.S. and UN universal principles on humane treatment of detainees. The Oxford English Dictionary defines morality as "ethical wisdom, knowledge of moral science." Moral virtue relates to the conforming of human behavior to accepted standards or laws of right and wrong with an internal decision to perfect self and not emotionally or mentally coerced by a sense of duty. Servicemen are therefore responsible for aligning their decisions to universal moral principles. Religious liberty or freedom to practice religion is a universal moral principle accepted by the United States and the United Nations. The purpose of this principle is to facilitate the restoration of peace through the right conduct in war, or *jus in bello* of the Just War Tradition.⁴⁵ American morality provides guidelines for the treatment of personnel in custody without legal caveats and disclaimers.

The U.S. has promoted the importance of freedom of religious liberty from the initial stages of our nation. Our founding documents provide foundational principles for religious freedom. In 1785 Thomas Jefferson drafted and passed our nation's first law protecting religious freedom in America.⁴⁶ Jefferson's words "No man shall be compelled, to frequent or support any religious worship or ministry or shall otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess and by argument to maintain, their opinions in matters

⁴⁵ Peace is viewed in this monograph as the presence of right and justice and not the absence of violence.

⁴⁶ Department of State, Bureau of Democracy, Human Rights and Labor's International Religious Freedom Report of 2005 includes this quote from Thomas Jefferson.

of religion” were included in the Virginian law. In 1791, the first amendment to the Constitution was ratified with the words “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Jefferson emphasized the importance of freedom.

Jefferson’s use of freedom is consistent with the positive nuance of freedom rather than the negative. The concept of positive freedom was highlighted by Immanuel Kant, a Prussian philosopher of the 18th century. Kant refers to positive freedom as acting in accordance with principles established by ourselves. Jefferson’s statement aligns with Kant’s reference to positive freedom. In contrast, Kant’s approach contradicted the concept of negative freedom promoted by Thomas Hobbes, a British philosopher from the 17th century. Hobbes refers to negative freedom as doing what you want to do as long as it does not infringe on others. Liberty, specifically religious liberty, is promoted as an unalienable liberty of Americans since the 18th century. 217 years later, the 2002 National Strategy for Homeland Security reinforces one of the nation’s most essential freedoms with the words “Liberty and freedom are fundamental to our way of life. Freedom of expression, freedom of religion, freedom of movement, property rights, freedom from unlawful discrimination—...”⁴⁷ The principles of freedom and liberty in our founding documents and current national policies provide sufficient evidence to direct our “moral compass” to the significance of religious liberty. Servicemen gain further insight into American moral principles by studying a building document of the Geneva Conventions.

On 10 December 1948, prior to the adoption of the Geneva Conventions, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights (UDHR). The organization’s view on human rights guaranteed to all people reflected by a prominent American named Eleanor Roosevelt and the document was referred by Mrs. Roosevelt

⁴⁷ George W. Bush, *National Strategy for Homeland Security* (Washington D.C, July 2002), 8.

as an international Magna Carta for all men everywhere. Article 18 of the document proclaims “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” The development of the UDHR rested on representatives from nations of diverse ideologies, political systems and religious and cultural backgrounds. The committee included members from Australia, Chile, China, France, Lebanon, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America.⁴⁸ A Muslim prison ministry program would adopt a similar approach with the gathering of nations desiring the promotion of nonviolent ideologies and religions for their citizens. Although the UDHR is not a legally binding document, citizens of the United States inherit the grafted moral standard framed and developed by our American leaders. The UDHR may be the closest international document representing a universal moral standard and may provide reinforcing reasons for the expansion of religious freedom from U.S. citizens to all human beings.

The moral suggestion to provide religious freedom is separate and distinct from the due process of detainees, internees and prisoners. The moral approach to prison ministry focuses on the right of human behavior and not the wrong of the criminal behavior. The Muslim prison program balances the negative duty not to intentionally harm innocent people and the positive obligation to protect innocent people.⁴⁹ Former soldier and teacher Paul Christopher refers to these two divergent viewpoints as moral truths. The importance of comprehending moral principles and adhering to them is emphasized in the Army’s leadership doctrines. The current

⁴⁸ Office of the High Commissioner for Human Rights, United Nations. Internet. Available from: <http://www.unhchr.ch/udhr/miscinfo/carta.htm>

⁴⁹ Paul Christopher, *The Ethics of War and Peace: An Introduction to Legal and Moral Issues*-3d ed. (New Jersey, Pearson Prentice Hall, 2004), 1.

Army Field Manual 22-100 *Army Leadership: Be, Know, Do* emphasizes the soldier's moral completeness in five of the seven Army values.⁵⁰

Ethical Reasons for Religious Liberty to Personnel in Custody

The principles of ethics, or moral reasoning leading to right conduct, may supersede laws and morals. The principles help reason and apply judgment rightly based on moral standards. The Oxford English Dictionary defines ethic as moral principles by which a person is guided. The United States promotes principles respecting human beings through universal maxims and various virtues. For example, two parallel principles and four “cardinal” virtues provide sufficient foundation to protect the religious liberty of detainees. The following two principles represent a subjective sample of existing universal maxims which guide our conduct. The Golden Rule principle, “Treat others the same way you want them to treat you” is often cited by many westerners as a universal principle to judge all other actions.⁵¹ “Treat others the way they ought to be treated” is another parallel principle. Both principles can guide our right behavior if it is applied with virtues and positive values. Plato's four “cardinal” virtues of wisdom, courage (or fortitude), temperance (self-control), and justice (or truthfulness), can be applied through discipline which then may become habits. Habitually demonstrating these virtues in accordance with ethical principles demands we honor an individual's right to faith so long as it does no harm to others. These virtues and Army values can help regulate our emotions, which is especially important when dealing with emotionally charged issues like religion. In 2003, Chief of Staff of the Army General Peter J. Schoomaker places equal emphasis by stating values as sacrosanct. Servicemen should not confuse virtues with a set of rigid codes, legal rules found in the Uniformed Code of Military Justice, the DoD ethics regulations, policies or competencies.

⁵⁰ Chief of Staff, U.S. Army. FM 22-100, *Army Leadership: Be, Know, Do* (Washington, D.C.: August 1999). Moral facets are highlighted in five of the seven Army values of duty, selfless service, honor, integrity and personal courage.

⁵¹ Charles Caldwell Ryrie, *Ryrie Study Bible: New American Standard Bible, 1995 Update* (Chicago, Moody Press, 1995), 1632.

Several organizations proclaimed to be socially responsible have attempted to translate legal and moral ideals into good and practical principles.

The United Nations' *Standard Minimum Rules for the Treatment of Prisoners* (Standard Minimum Rules or SMR) and Penal Reform International's *Making Standards Work* speak to the ethical obligation for respecting the religious beliefs of prisoners. The SMR, a non-treaty document, was adopted in 1957 in order to provide minimum principles for treatment of offenders in prisons. The SMR incorporated a section on religion which authorizes a qualified representative to hold services and provide direct ministry. It also mentions the necessity to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.⁵² The international handbook on good prison practice *Making Standards Work* was written in 1995 due to concern with the human rights of people in detention or in prison. The document appeals to universal freedoms and guarantees freedom of religion as a right and not a privilege. The United Nation's International Covenant on Civil and Political Rights (ICCPR) also refers to the UDHR and restates in Article 18 that "everyone shall have the right to freedom of thought, conscience and religion." This section highlights existing international principles of ethics pointing to the proper treatment of detainees. The chapter presented a collection of legal, moral and ethical factors sufficient to sustain the practice of providing religious services to prisoners. The next chapter illustrates current attempts by nations and organizations to reduce radicalization in prisons through the right or privilege of religious freedom.

⁵² United Nations Standard Minimum Rules for Treatment of Prisoners, Geneva, 1957. Section 41. (1) reads "If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis."

CHAPTER FIVE

Current Attempts

“The battle of ideas ultimately will be won by enabling moderate Muslim leadership to prevail in their struggle against the violent extremists.”⁵³

2006 Quadrennial Defense Review

Islamic and western countries are simultaneously dealing with the threat of terrorists and the recruitment of terrorists in their countries. The 9/11 Commission Report states “Usama Bin Ladin and other Islamist terrorist leaders draw on a long tradition of extreme intolerance within one stream of Islam (a minority tradition), from at least Ibn Taimiyyah, through the founders of Wahhabism, through the Muslim Brotherhood, to Sayyid Qutb.”⁵⁴ Ironically, both Islamic and western countries are relying on moderate Muslim ministers to promote nonviolent ideologies and to counter the terrorist recruitment. In Egypt, books written by four historical founders of the violent wing of Muslim Brotherhood promoting a nonviolent approach may be used to counter the Islamist movement. The two western nations particularly similar to the U.S., United Kingdom and the French Republic, are struggling with the growing number of Muslim citizens in their prisons. The two nations are appealing to moderate Muslim leaders in their communities to counter terrorist recruitment and the U.S. should follow suit.

The recommended Muslim prison ministry program focuses on promoting a moderate Islamic ideology through logic and reasoning and not through illogical and irrational biases. The program respects the individual’s absolute right to believe [in a faith], but the program does not respect violent ideologies. For example, the conversion to moderate Islam by radical inmates in Yemen illustrates a successful implementation of such a program. The program should also be nested with other non-kinetic strategies addressing ideologies such as education, social equality,

⁵³ Department of Defense, 2006 *Quadrennial Defense Review Report* (Washington D.C.), 22.

⁵⁴ U.S. National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report* (Washington D.C. U.S. GPO, 2004), 17, 362.

governance and the like. Four Muslim Brotherhood leaders imprisoned in Egypt offers a testimony to a nonviolent approach to Islam with their books. The United Kingdom and France demonstrate a way to integrate and nest the Muslim prison ministry program with the Muslim community. The approach also considers the families of those detained in anticipation of the detainee returning to society. The Department of Justice Federal Bureau of Prisons and Department of Defense Chaplaincy programs offer years of experience in connecting the prisoner with society. The United States and allies engaged in the War on Terror are challenged with measuring the success of current attempts and developing specific measures of performance for a Muslim prison ministry program.

Three practical measures of performance may provide indicators of success. Recidivism may best be monitored through the human network using decentralized feedback channels, supplemented by the intelligence database. Polling of detainees, currently conducted by the 3rd Armored Cavalry Regiment, can at least provide information on the failures of the program and may help categorize detainees. The third practical measure of performance could be the number of nations and organizations contributing to the Muslim prison ministry program. The recommendations apply to the short, medium, and longer term goals of U.S.'s National Security for Victory in Iraq.

The United States faces an additional challenge in the Federal prison system with a recent exposure of corruption with the ecumenical endorsing agencies for Muslim chaplains. The same scandal indicts the endorsing agencies for Muslim chaplains of the DoD Chaplaincy program. Research into the DoD Chaplaincy program reveals other factors which may prevent military chaplains from direct support to detainees and prisoners. Many of the violent ideologies found in prison trace its roots to Islamists in the Arab Republic of Egypt.

Islamists in the Arab Republic of Egypt

The Islamist movement in the Arab Republic of Egypt (Egypt) provides a possible testimony of moderate conversion by members of one of the oldest militant Islamist group in the region. Egypt is the fifth largest Muslim populated country in the world and the second largest in the Middle East with an estimated 72 million Muslims.⁵⁵ The diversity of Egypt's political ideologies with the presence of radical fundamentalists, mainstream fundamentalists, modernists, liberal secularists, and authoritarian secularists make Egypt's current struggle against radicalism a practical reference.⁵⁶ Egypt was the home to many prominent violent and radical terrorist leaders such as Sayyid Qutb (the leader in the Muslim Brotherhood), Ayman Al-Zawahiri (leader of Egypt's Jihad Organization), Osama bin Laden (leader of the Islamist World Front for Fighting Zionists and Crusaders or al-Qaeda) and Mohammed Atta (leader of the 9/11 attacks by four airliners). Ironically, the same nation that produced some of the most infamous criminals of today may also offer tools to suppress and reduce the growth of terrorists.

The *jamā'at al-ikhwān al-muslimīn* (The Society of the Muslim Brothers, the Muslim Brotherhood or MB) was established in 1928 by Hassan Al-Banna and claimed they wanted to attain their goals by peaceful means.⁵⁷ The *al-Jama'a al-Islamiyya* (Islamic Group) and Jihad joined in 1981 and was one of the most violent Islamist groups in Egypt in the 1990s and inspired many other Arab Islamist groups with their violent ideologies.⁵⁸ From 1950 until 1982 the MBs were outlawed as a political party and many were sentenced to prison by Gamal Abdel Nasser's regime. Egypt's heavy handed repression and counterattack against the violent Islamist groups

⁵⁵ Central Intelligence Agency, *The World Factbook 2005*. 72 million is 94% of the 77 million population. Egypt is the 17th most populated nation in the world.

⁵⁶ Angel M. Rabasa, Cheryl Benard, Peter Chalk, C. Christine Fair, Theodore Karasik, Rollie Lal, Ian Lesser and David Thaler. *The Muslim World after 9/11* (Arlington, VA, RAND, 2004), 76.

⁵⁷ Mustapha Kamel Al-Sayyid. "The Other Face of the Islamist Movement." *Carnegie Endowment Working Papers*, no. 33 (Washington D.C., Carnegie Endowment for International Peace, January 2003), 8. Al-Sayyid is director of the Center for the Study of Developing Countries at Cairo University and also teaches at the American University in Cairo.

⁵⁸ *Ibid.*, 7, 13.

resulted in many lives and the frustrated groups massacred sixty tourists at the Atshepsut Temple in Deir Al-Bahari on November 17, 1997 which may have resulted in their demise.⁵⁹ A call for nonviolence and a cessation of armed resistance to the government of Egypt resulted due to the taking of Muslim lives in the massacre. Surprisingly, four historical leaders of MB published four books during their two decades of imprisonment “that use Shari’a to refute the legitimacy of armed Islamist struggle and to justify nonviolence.”⁶⁰ The leaders continue to claim Israel, the United States and secular intellectuals as Islam’s enemies and the true motives of publishing these books may never be known. The four books are: *Mubadarat waqf al-‘onf* (Initiative of Cessation of Violence) by Osama Ibrahim Hafez and Assem Abdel-Maged Mohammed; *Tasleet al-Ad’wa’ ‘ala ma Waqa’ fi al-Jihad min akhta’* (Shedding Light on Errors Committed in the Jihad) by Hamdi Abdel-Rahman, Nageh Ibrahim and Ali Al-Sherif; *Hormat al-Gholw fi al-Din wa Takfir al-Muslimin* (The Ban on Narrow Positions on Religion and on the Excommunication of Muslims) by Nageh Ibrahim and Ali Al-Sherif; and *Al-Nos’h wal-Tabyeen fi Tas’heeh Mafahim al-Muhtasebeen* (Advice and Clarification to Rectify Concepts of Those Who Assume Responsibility to Society) by Ali Al-Sherif and Osama Ibrahim Hafez. Receiving the authors’ new ideology may be tantamount to an about face change from other imprisoned criminal mass movement leaders who directed massacres of the innocent. The Muslim prison ministry program may draw several themes from the four books.

The first book, *Initiative of Cessation of Violence*, prohibits jihad if it becomes an obstacle to the peaceful preaching of Islam. The Muslim prison ministry’s “train the trainer” approach would focus on the Muslim’s duty to prevent obstacles such as terrorism in order to preach Islam peacefully. The second book, *Shedding Light on Errors Committed in the Jihad*, forbids the murder of persons who do not obstruct the peaceful preaching of Islam. The third book, *The Ban on Narrow Positions on Religion and on the Excommunication of Muslims*,

⁵⁹ Ibid., 15.

⁶⁰ Ibid., 16.

promotes a liberal approach to the interpretation of Islamic teaching and recommends cooperative and legitimate relations with non-Muslims. This theme presents an opportunity to promote a legitimate and Islamic interpretation of a nonviolent approach to the conflict. The final book, *Advice and Clarification to Rectify Concepts of Those Who Assume Responsibility to Society*, claims “that erroneous understandings of religion are common because of self-adulation, leadership cult, suppression of dissenting views, emphasis on retribution, and infighting among Islamists.”⁶¹ Educated and trained ministers would doctrinally promote the nonviolent approach and respond to theological and philosophical questions from the detainees and prisoners. The challenge is to separate the message from the men, translate and publish the four books in order to use them as tools in a Muslim prison ministry program. The window of opportunity is constrained if current radical Islamic organizations disavow these leaders with an effective information campaign.

In December 2002, Yemen addressed a similar challenge with captured Al Qaeda members in its prison system.⁶² Five Islamic scholars challenged five Al Qaeda prisoners in Sanaa, Yemen to a theological contest. The prisoners agreed to denounce violence if the scholars could justify the nonviolent approach with the Qur’an. The encounter resulted in the five prisoners denouncing violence. The five scholars continued to engage with Yemenese prisoners with positive results. According to the Muslim scholar who initiated the challenge, Judge Hamoud al-Hitar, 364 prisoners have been released without returning to violence. Hitar’s belief is “if you study terrorism in the world, you will see that it has an intellectual theory behind it, and any kind of intellectual idea can be defeated by intellect.”⁶³ London’s New Scotland Yard and the French and German police asked Hitar to share his unusual approach.

⁶¹ Ibid., 18.

⁶² James Brandon, “Koranic duels ease terror” *The Christian Science Monitor*, 4 February 2005. Internet. Available from: <http://www.csmonitor.com/2005/0204/p01s04-wome.html>, 1.

⁶³ Ibid., 1.

United Kingdom and French Republic's Current Attempts

The United Kingdom and the French Republic are combating the increase in radicalized Muslims who are adopting violent ideologies from criminals and terrorists during their detention in prison. The United Kingdom, our closest ally in the Global War on Terror, is combating terrorist recruitment in its prison facilities and is considering the use of moderate imams as a potential strategy. According to a specialist in European affairs, "Muslims are the largest religious minority in Europe, and Islam is the continent's fastest growing religion."⁶⁴ The Muslim Council of Britain (MCB) and the British government estimated that 1.6 million (2.7%) of the British/U.K. population are Muslims and approximately 9% (144,000) of the Muslim population is in prison.⁶⁵ The MCB was formed in the U.K. in 1997 as a political body composed of over 250 Muslim organizations proclaiming to improve relations and unity between Muslims and non-Muslims.⁶⁶ France is engaging in a similar battle against the radical Islamicists in prison. They estimate that there are 6 million (10%) Muslims in France and that a disproportionate number of prisoners in France are Muslims.⁶⁷ The current attempts by the United Kingdom and France provide two similar approaches to countering the terrorist threat which may aid the U.S. development of a much needed similar process.

⁶⁴ Kristin Archick, *Islamist Extremism in Europe* (Washington, D.C., CRS, July 29, 2005), 1. Kristin Archick is Specialist in European Affairs at the Foreign Affairs, Defense, and Trade Division of the Library of Congress and is a Council on Foreign Relations with Columbia International Affairs Online.

⁶⁵ U.S. Department of State Bureau of Democracy, Human Rights, and Labor, "United Kingdom International Religious Freedom Report 2004" Internet. Available from <http://www.state.gov/g/drl/rls/irf/2004/35492.htm>.

⁶⁶ Aims & Objectives of the MCB (from the Constitution): To promote cooperation, consensus and unity on Muslim affairs in the UK; to encourage and strengthen all existing efforts being made for the benefit of the Muslim community; to work for a more enlightened appreciation of Islam and Muslims in the wider society; to establish a position for the Muslim community with British society that is fair and based on due rights; to work for the eradication of disadvantages and forms of discrimination faced by Muslims; to foster better community relations and work for the good of society as a whole.

⁶⁷ U.S. Department of State Bureau of Democracy, Human Rights, and Labor, "France International Religious Freedom Report 2004" Internet. Available from <http://www.state.gov/g/drl/rls/irf/2004/35454.htm>. France does not allow for statistics on religion, therefore there are no officially released statistics about the exact number of Muslims in France.

Terrorist organizations and imams with violent ideologies target young Muslims in the British prisons. In a previously restricted policy letter in 2004 from the British Cabinet Office, the former Secretary of the Cabinet and Head of the Home Civil Service Sir Andrew Turnbull stated “under-achievers with few or no qualifications, and often a non-terrorist criminal background - sometimes drawn to Mosques where they may be targeted by extremist preachers and in other cases radicalised or converted whilst in 'prison.’”⁶⁸ The Permanent Secretary John Gieve CB responded to the letter recognizing the radicalization of prisoners in the name of Islam and identified the need to “recruit a moderate cadre of imams chaplains...”⁶⁹ In order to combat the recruitment of young Muslims in prison by Palestinian terrorist organizations like Hizb-ut-Tahrir (HT) and Al Muhajiroon in Britain, the British government and the MCB are urging imams and mosques to be clearer about the incompatibility of terrorism and Islam.

The MCB recognizes prisons as a recruiting ground for terrorists and is cooperating with the British government in countering the radicalization of prisoners in U.K. According to MCB’s Eight Annual General Meeting in May 2005, the MCB has already delivered 30 training seminars to organizations battling the violent terrorist ideologies. One of the organizations was the U.K.’s Her Majesty’s (HM) Prison Service. U.K.’s nascent Muslim prison ministry program has been attempting to prevent radical imams like Abdul Ghani Qureshi from converting criminals like Richard Reid (the shoe-bomber) from adopting violent Islamic ideologies while incarcerated in prison. Radical imams facilitate the transition of radicalized criminals from prison to society. For example, Richard Reid and Zacarias Moussaoui both attended the Finsbury Park Mosque in London, England. Based on the growing number of radical imams in U.K., the British

⁶⁸ John Gieve, *Young Muslims and Extremism*, London, England: Home with Foreign and Commonwealth Office Paper to Sir Andrew Turnbull, April 2004.

⁶⁹ Cabinet Office policy letter dated 06 April 2004.

government decided to inform other European countries like France, Italy and Germany in late 2003 to adopt the “strategy of building bridges with mainstream Islam.”⁷⁰

France holds the largest population of Muslims in the west, followed by Germany and the United States. Radicalization of Islamic inmates is not a recent phenomenon in France where it has been a growing concern for decades “where more than half of the penitentiary inmates are Muslims.”⁷¹ A non-governmental organization, the French Council of the Muslim Faith (CFCM), was established in 2003 to act as a liaison between the Muslim community and the French government. Dalil Boubakeur, an Algerian-born moderate imam from the Grand Mosque of Paris, is currently the head of the CFCM. Both Dalil Boubakeur and the CFCM work closely with the French Interior Ministry to promote dialogue between the Muslim community and the French government. A French Interior Ministry official told the *Times* last December that in Paris “prison is a good indoctrination center for the Islamic radicals, much better than the outside.”⁷² The two organizations, the French Ministry and CFCM, nominated and appointed a Muslim chaplain to oversee the religious teachings for the Muslim prisoners in order to prevent the growth of Islamic extremist ideologies. Due to the growing concern of the radicalization of Muslims, the French Minister of Interior and President passed a law in 2005 that prevents the “radical Islamic clerics from recruiting terrorists and preaching misogynistic treatment of women in the country.”⁷³ Other Muslim organizations promoting the nonviolent interpretations of the Islamic religion have joined the French government and CFCM in order to prevent violence between Muslims and non-Muslims.

⁷⁰ John Gieve, Annex E, 34

⁷¹ U.S. Department of Justice, 6.

⁷² Steven Erlanger and Chris Hedges, “Missed Signals: Terror Cells Slip Through Europe’s Grasp” *The New York Times*, 28 December 2001. Internet. Available from <http://www.pulitzer.org/year/2002/explanatory-reporting/works/122801.html>.

⁷³ U.S. Department of State Bureau of Democracy, Human Rights, and Labor, “France International Religious Freedom Report 2004”

The French government has identified organizations that disagree with the efforts made by France and CFCM. For example, “the Union of Islamic organizations of France (UIOF) is another powerful organization in the country, with direct control over 30 mosques and indirect control of 150-200 more, putting it on par with the jurisdiction of Paris' Grand Mosque. Although it denies any formal link, the UIOF draws its inspiration from Egypt's banned Muslim Brotherhood.”⁷⁴ The Muslim population in the United States is almost twice the size of U.K and half the size of France with approximately 9,000 Muslim inmates. The United States Federal Bureau of Prisons began addressing the ideological needs of Muslim inmates with the hiring of Muslim chaplains in the 1980s.

Department of Justice (DOJ), Federal Bureau of Prisons (BOP)⁷⁵

The Bureau of Prisons (BOP)’s Muslim chaplaincy program offers a framework to hire Muslim religious service providers for a Muslim prison ministry program against the growing numbers of violent Islamicists. The recommended program capitalizes on the current absence of a coherent and unified Islamist ministry program. However, GWOT strategists cannot squander this opportunity by underestimating the recruiting abilities of radical and violent Islamists. The BOP Chief of the Chaplaincy confirms that “the Islamic community does not have the programs or precedent for prison ministry in the United States that other religions have.”⁷⁶ This statement reveals the opportunity for a formal prison ministry program and strategy to counter the recruitment of terrorists abroad and within the United States.

⁷⁴ PBS’s *Frontline* “Al Qaeda’s New Front.” 25 January 2005. Internet. Available from <http://www.pbs.org/wgbh/pages/frontline/shows/front/>. The investigative piece studies the threat radical “jihadists” pose to Belgium, France, Germany, Italy, Netherlands, Norway, Spain and the U.S. The report includes CIA caseworker Dr. Marc Sageman’s analysis on Al Qaeda and additional special reports on how the U.S. and Europeans are fighting terrorism.

⁷⁵ BOP (<http://www.bop.gov/>). Mission Statement: “The Federal Bureau of Prisons protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.”

⁷⁶ U.S. Department of Justice, 16. In addition, the BOP never has dismissed a Muslim chaplain for inappropriate work-related conduct or teachings.

Senator Dianne Feinstein, a U.S. Senator from California, addressed the concern for the radicalism of prisoners in the U.S. penitentiary program in a Congressional hearing with the United States Senate Committee on the Judiciary Subcommittee of Terrorism, Technology and Homeland Security. Senator Feinstein quoted a recently dismissed New York Muslim prison chaplain who stated that prison “is the perfect recruitment and training ground for radicalism and the Islamic religion.”⁷⁷ Harley G. Lappin, the Director of BOP, acknowledged “the importance of controlling and preventing the recruitment of inmates into terrorism” in the same hearing.⁷⁸ However, J. Michael Waller from the Institute of World Politics informed Congress of his concern over the chaplaincy program which is to prevent the radicalization in prison in the same hearing. He stated the Kingdom of Saudi Arabia supports the National Islamic Prison Foundation (NIPF), which is specifically organized to convert American inmates to Wahhabism through a corrupt chaplaincy program. The BOP’s established prison ministry program provides a framework for the proposed Muslim prison ministry program. Jose “dirty bomb” Padilla (now known as Abdullah al-Muhajir) is a modern example of a misguided criminal who became a radical Islamist while incarcerated in a U.S. prison.⁷⁹

In order to counter the recruitment of violent criminals and terrorists, the DOJ’s BOP established a detailed process for selecting Muslim religious services providers. The BOP recruits, screens, endorse, selects and supervises potential Muslim chaplains, contractors and volunteers using an established criteria with identified deficiencies.⁸⁰ The BOP selected Muslim chaplains ecclesiastically endorsed by the Graduate School of Islamic and Social Sciences

⁷⁷ U.S. Congress. Senate. Committee on the Judiciary. Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology and Homeland Security. 108th Cong., 1st sess., 14 October 2003, 3. The panel members were Mr. John Pistole (FBI), The Honorable Charles Abell (DoD), The Honorable Harley Lappin (BOP), Dr. Michael Waller (Institute of World Politics), Mr. Paul Rogers (ACCA), and Mr. A. J. Sabree (ACCA).

⁷⁸ Ibid., 12.

⁷⁹ Jose Padilla has not been convicted. He was charged with three counts: conspiracy to murder U.S. nationals, conspiracy to provide material support to terrorists and providing material support to terrorists on 22 November 2005.

⁸⁰ See Figure 7, Appendix C for BOP Chaplain Security Requirements.

(GSISS) in Leesburg, VA and the Islamic Society of North America (ISNA) in Plainfield, IN.⁸¹

Both GSISS and ISNA are closely connected to the religious tenets of the radical Wahhabi sect of Islam and are no longer endorsing agencies for Muslim chaplains. Therefore, there are currently no national Islamic organizations that are willing or able to provide endorsements for Muslim chaplain candidates.⁸² Contrary to the radical ideology of the endorsing agencies, the BOP Chief of Chaplaincy has been pleased with the Muslim religious service providers. Their chief even stated:

“we believe that the Muslim chaplains are a valuable resource within the BOP for preventing inmate radicalization and can assist with the recruitment and selection of Muslims who have mainstream Islamic beliefs. No other group of BOP employees has as much expertise and experience with Islam as the chaplains. The Muslim chaplains stated that they would be able to discern whether a Muslim chaplain, contractor, or volunteer candidate was an Islamic extremist in part by knowing who his teachers were and what mosques he has attended.”⁸³

Despite the current challenges with the ecumenical endorsing agencies, several techniques used by the BOP may be applied to a ministry program in the war on terror. The Muslim prison ministry program should adopt the professional requirements the BOP uses to hire Muslim chaplains.⁸⁴ For example, the minister must be a citizen of a country that does not sanction terrorist activities and a verifiable nonviolent teacher. Ministers must have a bachelor-level degree from an accredited institution with teaching or pastoral experience. The potential minister must also provide three personal references and recommendations with an endorsement from a acceptable and established Islamic organization. Each candidate must pass a detailed

⁸¹ U.S. Congress. Senate. Committee on the Judiciary. Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology and Homeland Security. 108th Cong., 1st sess., 14 October 2003, 5. There are currently only 10 BOP Muslim chaplains on staff to the 9,000 inmates seeking Islamic religious services. As of 2003, there were 231 full-time civil service prison chaplains in the Federal prison system. 56 contractors provide services to Islamic inmates. 80 volunteers assist with Islamic religious programs and studies.

⁸² Ibid., 2. Consistent observation found in the Congressional hearing and referred documents.

⁸³ U.S. Department of Justice, 45.

⁸⁴ Ibid., 17-28. The Office of the Inspector General (OIG) report provides a detailed process on how the BOP identifies, recruits and selects Muslim chaplains.

criminal history check vetted through an agreed upon oversight committee and agree to periodic screening and monitoring for their protection and those of inmates. A multi-national program demonstrates a cooperative and dedicated effort against the recruitment of terrorists to the international community.

Nations and organizations against terrorism should aggressively recruit and select an intellectual body to collaboratively develop the program. The body should compose the following as a minimum: Muslim and western scholars to counter each others biases, Islamic theological professors from each denomination, scholars and theologians from other religions, logicians to strengthen arguments, former Muslims who have converted to other faiths and philosophies for another perspective, language experts to translate products, Arab and western prison experts for expertise, representatives from human rights organizations, and representatives from successful prison ministry programs. The body in turn establishes a supervisory board to select anti-violent Muslim clerics of the highest caliber. Thirdly, all available mediums should be used to support the program. The program should leverage the ubiquitousness of computers and design a multitude of web sites to post products. Prisons and detention centers should make available Qur'ans with moderate commentaries and books, such as the books written by four of former Muslim Brotherhood militants. These documents can also be placed on CDs, DVDs, videotapes, cassette tapes, pamphlets, newspapers and digital formats. Genuine and sincere conversion testimonies should also be recorded and made available to detainees. Human interaction, the most effective of mediums, ought to be used to deliver sermons, teach courses and supervise workshops. For example, the State Department and the U.S. Institute of Peace (USIP) Interfaith Dialogue Center has already established workshops in the University of Kirkuk. The program must avoid some of the pitfalls the BOP encountered.

Lack of communication between and within the FBI, the National Joint Terrorism Task Force, the DOJ and other intelligence communities on the selection of Muslim chaplains delayed the progress of the ministry program that is designed to prevent potential acts of terrorism by

inmates.⁸⁵ The OIG revealed other deficiencies which may result in opportunities for allied and coalition countries to significantly contribute to the war on terror. Cooperation may include the examination of applicants and the doctrinal views and contents of the messages. This would require exchange of information regarding Muslim endorsing organizations and recommending genuinely nonviolent and pro-western organizations. Nations may also assist by supervising and providing ministers to detained Muslims in custody.⁸⁶ These examples reflect the key problems identified by the OIG. A multi-national prison ministry effort leads to many benefits including a more effective counter recruitment program, increased relations with Islamic countries, increased participation in the Global War on Terror and perhaps international support for this non-kinetic approach. The BOP hires religious service providers not only for religious support to inmates, but for the security and discipline within the compounds. Unlike the BOP, the Department of Defense Chaplaincy Program was not established to provide direct religious support to inmates or detainees in order to alter the violent ideologies enemy captives.

Department of Defense Chaplaincy Program...for Detainees?

The DoD's Armed Forces Chaplains are not the group to provide direct Muslim prison ministry to detainees. They cannot reduce the number of terrorists and prevent the spread of the violent interpretation of Islam because of internal and external limitations and constraints. Despite recent use of U.S. chaplains in a direct ministerial role, several legitimate reasons preclude the use of U.S. chaplains as ministers for Muslim detainees. U.S. Armed Forces Chaplains are limited by their official role as a U.S. armed forces chaplain, resources, credibility, and security. Recent challenges in the detention facilities in Guantanamo Bay, Cuba have resulted in changes in perception and practice of how U.S. chaplains should be used.

⁸⁵ Ibid., 27. According to the report, communication was established after significant congressional and media attention arose about these issues.

⁸⁶ Ibid., 1.

DoD Chaplains' current role is the first reason the organization may not be suited for the recommended Muslim prison ministry program. In a defense against the constitutionality of the Army Chaplaincy, the principle role of the armed forces chaplain was reiterated to protect the free exercise rights of soldiers and inmates.⁸⁷ In response to this case, the United States Supreme Court deferred military matters to Congress and DoD due to the unique role of military chaplains. U.S. military chaplains and leaders ensure the rights of servicemen as U.S. citizens are protected. The protection of free exercise rights of inmates did not preclude direct ministry to inmates and detainees. The decision to protect the free exercise rights of inmates remain at the discretion of the chaplain and chain of command in Joint Publication 3-63*fc draft* (final coordination draft), *Joint Doctrine for Detainee Operations*. JP 3-63*fc draft* states that "detainees are not granted U.S. chaplain support" and "military chaplains do not generally provide direct (religious ministry) support to detainees."⁸⁸ The same policy suggests that chaplains exist to, among other things, to provide religious support for the guard force, advise the commander on detainee religious issues, coordinate for the religious needs of the friendly force and the detainees.⁸⁹ It is clear that the spirit of the law and doctrine intend for the humane treatment of detainees with careful consideration of their religious practices. From the policy it is clear that chaplains should facilitate the protection of religious rights or privileges of detainees. The real issue not adequately addressed in policy is what should be the proper degree of participation chaplains should engage in with detainees. Despite the desire of some Muslim chaplains to provide direct ministry to detainees, DoD cannot to provide adequate religious service coverage to U.S.

⁸⁷ *Katcoff v. Marsh*, 755 F.2d 228 (2d Cir. 1985). *Katcoff v. Alexander* (later *Katcoff v. Marsh*) was filed in the U.S. District Court for the Eastern District of New York on 23 November 1979 by two seniors at Harvard Law School, Joel Katcoff and Allen M. Wieder. They challenged the constitutionality of the Army Chaplaincy, but the case did not reach the Supreme Court of the United States.

⁸⁸ Chairman of the Joint Chiefs of Staff, *Joint Publication 3-63, Detainee Operations fc draft*. Washington, D.C.: U.S. Government Printing Office, 2005, II-22, III-11, 12.

⁸⁹ *Ibid.*, 12.

Muslims because there are not enough Muslim chaplains to service both the U.S. Muslims and the detainees both.

The second reason the U.S. Armed Forces' Muslim chaplains may not be appropriate for this Muslim ministry program is due to the limited number of Muslim chaplains currently commissioned in the military. According to the Office of the Army Chief of Chaplains there are currently six Army, two Air Force and three Navy Muslim chaplains on the Active Duty List (ADL) to meet the needs of U.S. servicemen.⁹⁰ As a comparison, the BOP maintains 10 Muslim chaplains for the 9,600 Muslim inmates. If the ratio of chaplain to detainee is to be one for every thousand, Iraq alone would require 13 Muslim chaplains for the detainees, all things being equal. The diversity of Islam alone would increase the required number of chaplains to support the program. The requirements would increase if DoD directs coordination and supervision of detained Muslims in every holding area, detention facility, intern camp and prison controlled by DoD.

Islam is not the same everywhere. The diversity of Islam with its various denominations such as Sunni, Shi'a, Sufism and Wahhabi further complicate the support structure and requirements.⁹¹ The ethnicity of the practicing Muslims, both detainees and chaplains, can also increase resource requirements. For example, Iraq is predominately composed of Arabs, Kurds, Assyrians, Chaldeans, and Turkmens. Afghanistan is the home to Pashtuns, Tajiks, Hazaras, Uzbeks, Turkmen, Qizilbash, and others. These ethnic groups are further divided by tribal and family affiliations. Finally, U.S. military chaplains are obligated to perform their duties within the guidelines of their endorsing agencies. Hypothetically, if DoD is able to meet the resource

⁹⁰ Strength of the Army Report, 2004. Total strength of Army Chaplains as of 31 December 2004. The correspondence from the Office of the Army Chief of Chaplains also stated 2, 860 as the current total strength of active duty chaplains in the armed forces. The author was unable to find the total number of Muslims in the U.S. military to compare with the BOP chaplain to inmate ratio.

⁹¹ Approximately 10% of all Muslims are Shi'a and are a majority in Iran, Iraq and Bahrain.

requirements, the nationality of U.S. chaplains and their employer raises the issue of credibility by detainees.

The third reason the U.S. Armed Forces' Muslim chaplains may not be appropriate for this Muslim ministry program is the prisoners themselves. DoD must be attentive to the credibility of Muslim chaplains and ministry effort within the U.S. military and with the Muslim communities. Muslim ministry for U.S. servicemen is a relatively new program which started in 1993 and within seven years all services received a Muslim Chaplain. In December 1993, the United States Army endorsed Abdul-Rasheed Muhammad (formerly Myron Maxwell) as the first Muslim chaplain with an endorsement from the American Muslim Council (AMC).⁹² Three years later, on 8 August 1996, the Secretary of Navy John H. Dalton swore in Muhiyyaldin M. ibn Noel as the first Muslim chaplain for United States Navy.⁹³ In 1999 Abuhenia Saif-ul-Islam became the first Navy Muslim chaplain assigned to the United States Marine Corps (USMC). In 2000 Abdullah Hamza Al-Mubarak became the first Muslim chaplain for the USAF and he was assigned to Keesler Air Force Base, Mississippi.⁹⁴ The requirements to become a chaplain in the U.S. Army may be sufficient for a Muslim detainee to question the credibility of their ministry. A prospective candidate must first meet the requirements to become a commissioned officer in the U.S. Armed Forces. The candidate must obtain an ecclesiastical endorsement from his or her faith group that certifies that person as a qualified member of a clergy group who is sensitive to religious pluralism and able to minister to people of all religions.⁹⁵ The U.S. military chaplain's requirement to be a U.S. military officer and sensitivity to religious pluralism create conditions for distrust by many Muslims who are skeptical of the U.S. and believe in the truth of their one faith. The program's young age has allowed for questionable ecumenical endorsing agencies to

⁹² William J. Hourihan, PhD., "A Brief History of the United States Chaplain Corps" (ed., 2004). Internet. Available from http://www.usachcs.army.mil/history/brief/chapter_7.htm.

⁹³ *Navy Newsstand*. 2003. 13 February.

⁹⁴ American Forces Press Service. 4 October 2001.

⁹⁵ DoD Directive 1304.28 "Guidance for the Appointment of Chaplains for the Military Departments" (11 June 2004),

sponsor Muslim military chaplains. DoD's selection process and the formerly approved endorsing agencies may raise a concern for the doctrinal foundation of our Muslim chaplains and security for our servicemen.

The fourth reason the U.S. Armed Forces' Muslim chaplains may not be appropriate for this Muslim ministry program is due to the possible connection between their endorsing agencies and terrorist networks. That is, in a zeal to produce a Muslim chaplain DoD has overlooked the candidate's sponsor. The two groups that DoD used to accredit and select Muslim chaplains to the military have been suspected of links to terrorist organizations by the federal government.⁹⁶ The two organizations are the GSISS and the American Muslim Armed Forces and Veterans Affairs Council (AMAFVAC). Both are subgroups of the American Muslim Foundation (AMF) and both organizations are being investigated for ties to terrorism. The founder of the AMF and former chief executive of the American Muslim Council (AMC) was Abdurahman M. Alamoudi, an Islamist political leader and a naturalized U.S. citizen from Eritrea. The AMC is suggested to be the lobbying arm of the Muslim Brotherhood. Alamoudi was arrested on 30 September 2003 by the FBI and was sentence to serve a 276 month (23 year) sentence by a federal court in Alexandria, Virginia:⁹⁷ Alamoudi plead guilty to federal offenses relating to Libya and was involved in "a plot to assassinate an ally [Saudi Crown Prince Abdullah] in the war against terrorism."⁹⁸ His former roles and positions permitted him to be the chief architect to endorse Muslim chaplains to the military. Abdurahman Alamoudi's ability to exploit the DoD and select suspect organizations to endorse Muslim chaplains may have contributed to the challenge the U.S. faced with CPT Abdul Mohammed in 2001 and Army Captain "Yusuf" Yee in 2003.

⁹⁶ Honorable Jon Kyl, Arizona Senator and Chairman of the Subcommittee on Terrorism, Technology and Homeland Security. Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology and Homeland Security. 108th Cong., 1st sess., 14 October 2003, 2.

⁹⁷ U.S. Department of Justice, *Aburahman Alamoudi Sentenced to Jail in Terrorism Finance Case*, 15 October 2004. Internet. Available from http://www.usdoj.gov/opa/pr/2004/October/04_crm_698.htm

⁹⁸ Ibid.

Two recent events involving the sponsoring of Muslim ministry with U.S. military chaplains provide a final reason to not consider U.S. military chaplains for direct ministry to Muslim detainees. In 2001, CPT Abdul Mohammed traveled to Saudi Arabia with U.S. servicemen for the *haj* (a pilgrimage to Mecca) which was funded by the World Muslim League.⁹⁹ In 1996, the CIA identified the World Muslim League as a front for Al-Qaeda. The funding of the *haj* for U.S. servicemen coordinated by a U.S. military chaplain using Al-Qaeda funds raises sufficient concern to consider ministers sponsored by a different ecumenical endorsing agency. The second event occurred in 2003 and involved former Army chaplain CPT James Yee.

James Yee converted to Islam in 1991 after serving in the U.S. Army. He moved to Damascus, Syria following his conversion in order to study Islam.¹⁰⁰ He was endorsed by AMAFVAC and was commissioned in 2001. In 2003, he served as the first Muslim chaplain appointed to provide religious services to the prisoners detained at the facilities on the U.S. Navy Station in Guantanamo Bay, Cuba.¹⁰¹ Distrust between the prison commander and Chaplain Yee developed and James Yee was arrested in the fall of 2003 for disobeying a general order by taking classified material home and transporting classified information without proper security containers. Although he was exonerated of all charges in April 2004, the incident raises the issue of balancing security with the Muslim prison ministry program.¹⁰² The circumstances surrounding CPT Yee's incident demonstrated a real or perceived distrust within U.S. forces.

⁹⁹ Honorable Charles E. Schumer, New York Senator, Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology and Homeland Security. 108th Cong., 1st sess., 14 October 2003, 6.

¹⁰⁰ James Yee. Information is available on his personal website. Internet. Available from <http://www.chaplainyee.com/code/bio.htm>.

¹⁰¹ Senator Charles E. Schumer, Democrat from New York, placed a press release on 23 September 2003 on "New revelation: Captain Yee was trained and selected to be a Muslim chaplain by group being investigated for terrorism". Senator Schumer is a member of the United States Senate Committee on the Judiciary.

¹⁰² CNN, *U.S. Drops All Charges Against Muslim Chaplain*, (19 March 2004), 1. Internet. Available from <http://www.cnn.com/2004/LAW/03/19/yee.charges.dropped/index.html>.

CHAPTER SIX

Dangers of Implementing and Ignoring Muslim Prison Ministry

“QAP [Al-Qaeda on the Arabian Peninsula] militants also emphasise the role of religious scholars for recruiting and propaganda”¹⁰³

International Crisis Group Middle East Report N°31

Improperly or inadequately addressing the spiritual needs of people under severe mental stress without gaining the active cooperation of anti-violent Muslims can be counterproductive. Implementing a Muslim prison ministry program with western rationality and biases can result in increased number of terrorists and terrorist supporters. Ignoring the spiritual and intellectual needs of Muslims in military detention facilities, internment camps and prisons allows other organizations and people to fill the void in a culture where piety is fundamental to their belief and practice. Current attempts described in the previous chapter demonstrate the potential benefits of educating detainees and prisoners with nonviolent doctrines of Islam. Current failed attempts expose real dangers in combating the recruitment of terrorists with a western Muslim prison ministry program. The absence of a counter-violent ministry may have contributed to the creation of several infamous criminals who received their violent indoctrination in prisons and jails. A Muslim prison ministry program addresses the intellectual, emotional and spiritual dimensions of detainees and this chapter considers the potential hazards of implementing the program and likewise ignoring the program.

There is legitimate concern to U.S. citizens and allies and for their respective interests if the Muslim ministry program is implemented incorrectly. One of the many dangers could include a breach in security due to an over reliance or overextension of trust with Islamic nations and organizations with past or present ties with terrorists. An international committee for Muslim prison ministry can unite violent criminals and radical Islamists and provide them with a

¹⁰³ International Crisis Group (ICG) Middle East Report N°31: “Saudi Arabia Backgrounder: Who are the Islamists?” (Amman/Riyadh/Brussels, ICG, 21 September 2004), 15. Abd al-Aziz al-Muqrin was the putative head of al-Qaeda in Saudi Arabia until his death at age 31 on 18 June 2004.

legitimate organization to promote a mass movement. The clerics provided by the coalition may contribute to the security concern if the imams are used as intelligence agents and they fail to conform to agree upon code of conduct and curriculum. According to a 2003 Pew Global Attitudes survey of 50 Middle East nations, the majority of nations in the region distrust the U.S. If a U.S. government agency is placed in the lead of a Muslim ministry program, the current distrust between Islamic nations and organizations with the U.S. can interfere with the program, especially if nations believe the program is a cover for a terrorist collection campaign.

Middle Eastern countries also face challenges if national leaders agree to unite and collaborate in a Muslim prison ministry program. Attacks could be directed to nations supporting the program if some believe Islam is being westernized or if the program is sponsored by westerners. Engaging multiple and diverse denominations of Islam in order to define a set of moderate and nonviolent principles may also result in conflict if the differences are irreconcilable. Furthermore, regardless of the specific denomination, recent articles and studies indicate a growing disconnect between the youth and imams of many Islamic nations. If the older generation fails to consider the youth in the planning and execution of the program, nations could experience a radical Islamic Youth Movements such as Britain's Al-Muhajiroun (AM-The Emigrants). Ignoring the spiritual, physical, and mental components of a Muslim prison ministry program can also lead to negative consequences.

Ignoring the spiritual and intellectual dimensions of Muslim detainees may result in an increase in Muslim radicalization through conversion or confirmation of the violent ideologies. Richard Reid and Jose Padilla are two infamous examples of criminals who converted to the violent wing of Islam in prison. Ignoring a ministry program affords terrorists another venue in their recruitment campaign. The radical imams' monopoly on violence-oriented interpretations of Islamic doctrine can continue to increase the number of terrorists and terrorist supporters in and out of the detention facilities. A physiologically oriented detention program relies on a reform strategy which alters behavior based on the physical condition of the facilities and the experiences

of the captives without orienting the detainee's mental attitudes. The absence of a Muslim prison ministry program allows discourse between inmates and with captors without the benefit of a professional religious service provider who could logically explain and defend a nonviolent approach to Islamic doctrine. The absence of a Muslim minister also denies U.S. servicemen another invaluable resource in dealing with Muslim detainees.

Incidents at the Abu Ghraib prison in Iraq and the Naval Station's detention facility in Guantanamo Bay, Cuba may reflect the dangers of ignoring the need for Muslim prison ministers. The incident at the Abu Ghraib prison highlighted the physical abuse of detainees and the incident in Guantanamo highlighted the spiritual abuse of detainees. The graphic photographs of soldiers from the 800th MP Brigade released by *60 Minutes II* on April 28, 2004 may have contributed to an exclusive focus on the physical treatment of detainees. In 2005, a report regarding an alleged incident at Guantanamo Bay, Cuba fueled outrage in several Islamic communities. The report described how U.S. interrogators at Guantanamo Bay kicked, flushed, and urinated on a Qur'an. The desecration of the Qur'an highlighted a strong emotional connection by many Muslims to the Qur'an and the need to consider the connection between Islam and detainees.

Leaders and planners in the global war on terror must consider the risks involved with engaging or ignoring the spiritual and intellectual dimensions of detainees. Many other examples are available which illustrate the negative effects of implementing or ignoring a program which targets the two intangible dimensions of detainees. The two simplified categories of dangers illustrate the need for further research into the doctrinal orientations of detainees in each area of operation. Humane treatment of detainees may hinder the conversion of nonviolent people to violence, but humane treatment with a properly designed Muslim prison ministry program may at least avert "fence-sitters" from becoming violent.

Conclusion

“Our military culture must reward new thinking, innovation, and experimentation.”¹⁰⁴

President George W. Bush

Supplementing the Global War on Terror campaign plan with a Muslim prison ministry program can contribute to the success of military and political objectives while adhering to humanitarian principles. The potential of a simultaneous decrease in terrorist recruitment and increase in Muslims appealing to a nonviolent interpretation of the Qur'an demands the attention of this generational war against terrorists. The war on terror coalition must collectively and publicly address the ideological reasons contributing to the regeneration of terrorists and “unlawful combatants” in their countries and on the battlefield. The number of enemy combatants should not increase as a result of the captivity experience of detainees, internees and prisoners. The experience in detention facilities should decrease the threat through the opportunity for intellectual reform. This monograph attempted to raise the awareness of “incubators for terrorism” which are the detention facilities and prisons. Increasing the awareness of western biases, adopting a supplemental strategy of reform, respecting religious freedom and studying current attempts to combat terrorist recruitment in prisons may convince planners to adopt a Muslim prison ministry program. An initial collection of current and relevant factors were revealed as a result of the research into this recruitment phenomenon.

Western bias, misperceptions and generalizations of the 1.3 billion Muslims of the world founded on information out of context could lead our attention to strictly the dangers of Islam. The total number of terrorists and terrorist supporters represent a fraction of the 1.3 billion Muslims. Countries with large populations of Muslims like Albania, Azerbaijan, Iraq and

¹⁰⁴ George W. Bush. He spoke to 11 December 2001 at The Citadel, Charleston, South Carolina, Internet. Available from <http://www.whitehouse.gov/news/releases/2001/12/20011211-6.html>.

Kazakhstan directly supporting the war on terror illustrate the effort by many Muslims to combat terror. We must leverage and not discount the political, financial, and academic support many Islamic nations have provided. The Islamic and Roman Crusades illustrate the dangers of an emotionally charged national or cultural bias. The same strain of bias can lead to illogical and irrational prejudices when nations attribute faults of a few to all based on race, ethnicity or faith. Logically and reasonably studying the dynamics of Islam can suppress irrational judgments for the vast majority of Muslims who are not involved in radical activities. The same discipline to control bias can be applied to prisoners and detainees.

Western concept of prison has evolved from punishment of the body to reform of the soul and/or mind, partly due to the connection between the incarcerated with his or her society. Many attribute prison ministry to evangelical programs whose purpose is salvation of the soul. The Muslim prison ministry program mentally separates the role of the prison to justly pronounce judgment on the criminal to the mental and spiritual reform of the individual. The program focuses on the function of reform and offers ministry as a means to promote nonviolent doctrines. Current legal, moral and ethical frameworks allow for Muslim religious service providers to affect detainee ideologies through the tenant of religious freedom.

U.S. military and servicemen are governed by a myriad of legal documents. The oath of office requires the duty to support and defend the U.S. Constitution. Treaties with the United Nations are also legally binding based on Article VI of the Constitution. U.N. treaties govern the humane treatment of prisoners and the same legal requirements are reinforced in AR 190-8. Freedom of religion is a Constitutional and legal right for Americans, but the protection of religious liberty for detainees is a universal moral responsibility. The current administration affords unlawful combatants and terrorists rights usually reserved for lawful detainees. Despite confusion in detainee categories, the U.S. is honoring moral guidelines to provide religious freedom to detainees, conforming to the guidelines of Article 18 of the UDHR. The moral approach of the Muslim prison ministry focuses on the right of human behavior and not the

wrong of the criminal behavior. The United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) and Penal Reform International's *Making Standards Work* translates legal and moral ideals into a concrete practice. Islamic and western nations have recently attempted to modify Islamic ideologies of prisoners and simultaneously respect the individual's right to religious belief.

The Arab Republic of Egypt, the United Kingdom, the French Republic and the United States are few of the countries combating the recruitment of terrorists in their prisons with moderate Muslim ministers. The Muslim ministers are predominately countering ideologies founded by Sayyid Qutb and the Muslim Brotherhood of Egypt. The growing number of terrorists within the prisons and eventual release back to society has heightened the efforts by the countries to address the ideological roots of the terrorist problem. Egypt has slowly modified their kinetic approach with a non-kinetic approach using moderate clerics. Britain and France are in the process of developing a coherent campaign plan to solve the growing problem of violent Muslim criminals in their penal systems. The U.S. DOJ BOP has established a useful framework to hire Muslim chaplains, but is currently challenged with the exposure of corruption in the ecumenical endorsing agencies for their Muslim chaplains. DoD faces the same challenge, but may be able to adopt the existing framework used by the BOP. Current attempts and operating environment reveal dangers in implementing and in ignoring a ministry program directed at terrorist breeding grounds.

Improperly implementing a Muslim prison ministry program may trigger violence towards westerners and Muslims alike. Violence may be directed to westerners if Muslims believe the program to be a replacement theology program or an intelligence collection program. Muslims may be harmed if religious compromise is perceived. U.S. internal dangers may include a breach in security with corrupt ministers resulting in general distrust of ministers if they are viewed as terrorist sympathizers or supporters. Ignoring prison ministry dismisses the accounts of mass murderers who were converted and radicalized in prison. The detainees and prisoners

would also be exposed to the violent version of Islam. The coalition against terror does not have a ministry program for detainees. The following recommendations may provide a foundation for discourse among coalition strategists and planners.

Final Remarks

Muslim prison ministry's twofold strategy is to present basic, nonviolent, and mainstream Islamic principles to Muslim detainees and to challenge Muslims who are advocating the violent and radical ideologies of Islam. It is not an inmate or detainee advocacy program. It is another dimension to the humane treatment of prisoners and detainees. Progress on the war on terrorism and reduction in terrorist recruitment relies on significant facets of the strategy addressing the cause and reason of the problem and not merely the manifestations of the problem. The shortcomings of the monograph, the magnitude of factors linked to prison and ministry, and the complexity of the combined global war on terror requires further research in several critical areas. Additional research into the recidivism rate of detainees may provide relevant data. Further research into the classified number of detainee and detention facilities can be combined with a detailed resource analysis. Further research by country specialists may reveal more innovative ideas to counter terrorist recruitment in prisons. A detailed study highlighting the nonviolent statements of Islamic doctrine can provide interrogators and ministers with a ready defense. Finally, a sociological and psychological study on the effects of denying religious freedom to Muslim detainees may support or deny some of the research findings of the monograph.

Appendix A: Monograph Development

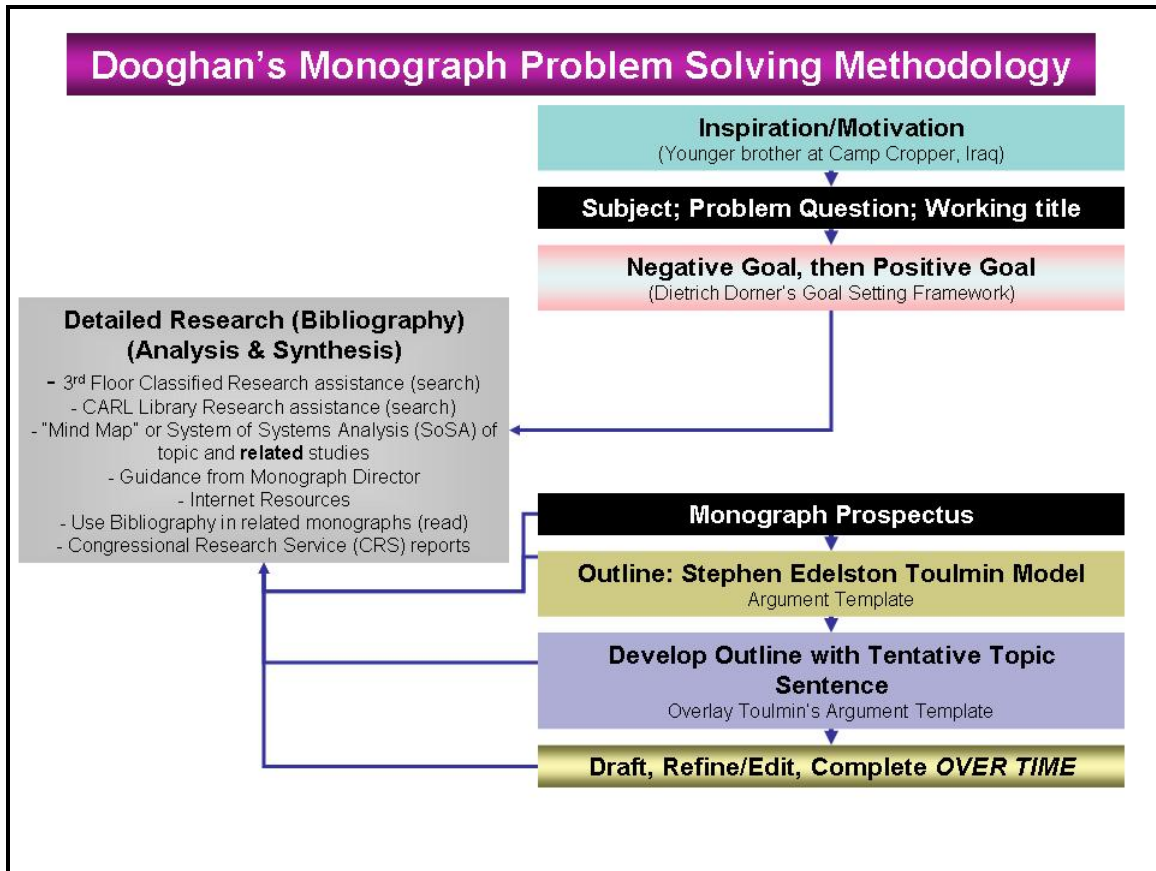


Figure 4: Monograph Problem Solving Methodology

Appendix B: Monograph Question Development

Muslim Prison Ministry: Problem Question

After detainment, what happens to them when they return back to society?

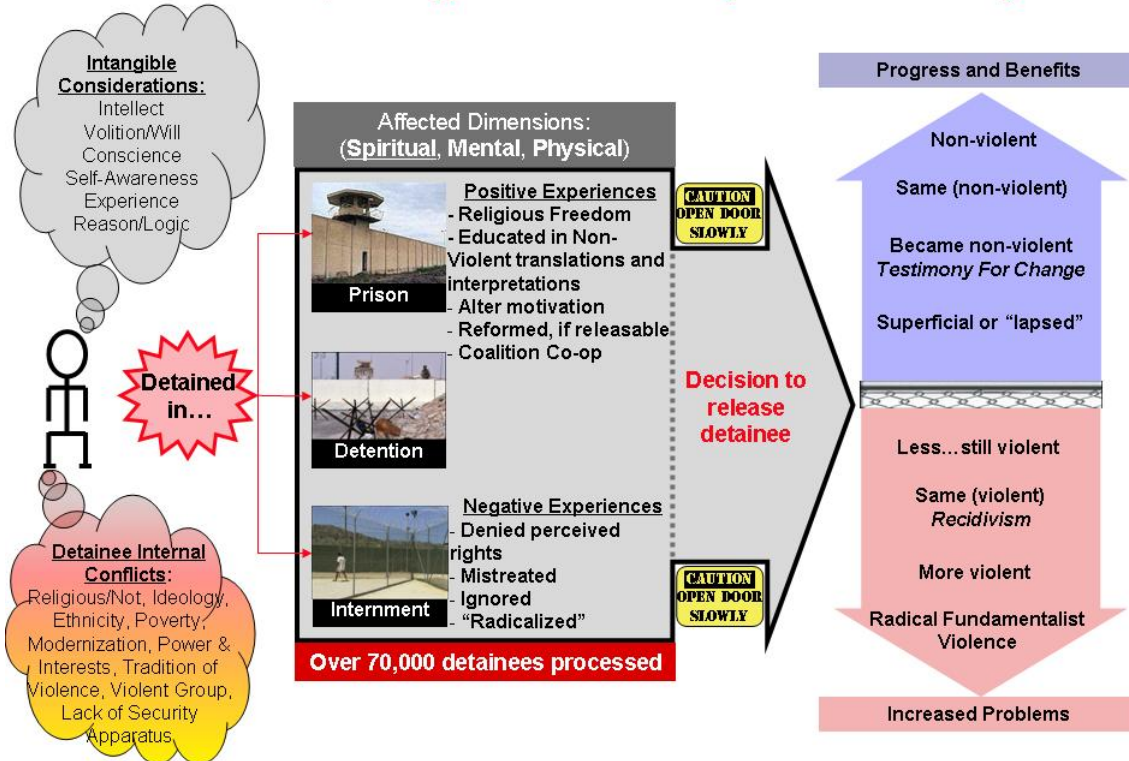


Figure 5: Muslim Prison Ministry Monograph Question Development

Appendix C: BOP Chaplain Security Requirements

Security Requirements		
Chaplains	Contractors	Volunteers
<ol style="list-style-type: none"> 1. Pre-employment screening interview (employment and financial history, dishonest conduct, excessive use of force, criminal and driving history) 2. Panel interview 3. Criminal history check --fingerprint check, record check against all federal and state records 4. Vouchering of employers & local law enforcement checks over the last 5 years 5. Drug screening 6. Field investigative check 7. Citizen of U.S. or legal resident from a country allied with the U.S.(list from State Department) 	<ol style="list-style-type: none"> 1. Criminal history check --fingerprint check, record check against all federal and state records 2. Vouchering of employers over the last 5 years 3. Drug screening 4. Citizen of U.S. or legal resident from a country allied with the U.S.(list from State Department) 	<ol style="list-style-type: none"> 1. Criminal history check-- fingerprint check, federal and state records 2. Interview <p>Note: For Ex-Offenders: <u>always escorted</u></p> <p>3 years crime free after release; Current employment or academic status; No separates; Criminal history check</p>

Figure 6: Bureau of Prisons Security Requirements for Chaplains

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